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TITLE 6

EDUCATION

(CHAPTERS 18-49 IN VOLUME 4B; CHAPTERS 50-85 IN VOLUME 5)

SUBTITLE 1. GENERAL PROVISIONS

CHAPTER.

1. GENERAL PROVISIONS.
4. INTERSTATE COMPACTS.
5. MISCELLANEOUS PROVISIONS RELATING TO ELEMENTARY, SECONDARY, AND HIGHER EDUCATION.

SUBTITLE 2. ELEMENTARY AND SECONDARY EDUCATION GENERALLY

CHAPTER.

10. GENERAL PROVISIONS.
11. EDUCATION.
12. COUNTY BOARDS OF EDUCATION.
13. SCHOOL DISTRICTS.
14. SCHOOL ELECTIONS.
15. EDUCATIONAL STANDARDS AND QUALITY GENERALLY.
16. CURRICULUM.
17. PERSONNEL.

SUBTITLE 1. GENERAL PROVISIONS

CHAPTER 1

GENERAL PROVISIONS

SUBCHAPTER.

1. GENERAL PROVISIONS.
2. ARKANSAS LEADERSHIP INSTITUTE FOR TEACHERS OF THE DELTA.
3. ARKANSAS COMMISSION FOR COORDINATION OF EDUCATIONAL EFFORTS.
4. SCHOOL LEADERSHIP COORDINATING COUNCIL.
5. THE ARKANSAS PROJECT GRADUATION COMMISSION. [REPEALED.]
6. COLLEGE AND CAREER COACHES PROGRAM.

SUBCHAPTER 1 — GENERAL PROVISIONS

SECTION.

- 6-1-101. Review of audit report by board.
- 6-1-102. [Repealed.]

SECTION.

- 6-1-106. Definition of "sibling".

6-1-101. Review of audit report by board.

(a)(1) An audit of a publicly funded educational institution shall be performed by the Division of Legislative Audit or other independent person licensed to practice accounting by the Arkansas State Board of Public Accountancy selected by the governing body of the educational institution.

(2) In cases of undue demands upon the division for these audits, the division may charge a fee for the service rendered that does not exceed payments made for help employed in the audit in addition to the personnel of the division.

(b) Any statutorily required audit of an educational institution performed by an independent accountant shall include, as a minimum and as an integral part of the annual financial report, a review and comments on substantial compliance with each of the following:

(1) Management letter for audit of political subdivisions, §§ 14-75-101 — 14-75-104;

(2) Compliance with ethical guidelines and prohibitions for board members, administrators, and employees, § 6-13-628 and § 6-24-101 et seq.;

(3) School elections, § 6-14-118;

(4) Management of schools, §§ 6-13-617 — 6-13-620, and 6-13-701;

(5) Revolving loan fund, §§ 6-19-114, 6-20-801, and 6-20-802;

(6) School district finances, §§ 6-20-402 and 6-20-409;

(7) School district school bonds, §§ 6-20-1208 and 6-20-1210;

(8) Teachers and employees, §§ 6-17-201, 6-17-203 — 6-17-206, 6-17-301, and 6-17-401;

(9) Teachers' salaries, the Minimum Foundation Program Aid Act, §§ 6-17-803, 6-17-907, 6-17-908, 6-17-911 — 6-17-913, 6-17-918, and 6-17-919;

(10) Deposit of funds, §§ 19-8-104 and 19-8-106;

(11) Investment of funds, § 19-1-504; and

(12) Improvement contracts, §§ 22-9-201 — 22-9-205.

(c) The governing body of the educational institution shall require the independent accountant to present the annual financial report in conformity with the format and guidelines as prescribed by the appropriate professional organizations such as, but not limited to, the American Institute of Certified Public Accountants, the National Council on Governmental Accounting, and the National Association of College and University Business Officers.

(d)(1) The audit reports and accompanying comments and recommendations relating to any publicly funded school, education service cooperative, vocational-technical school, or institution of higher education prepared in accordance with the provisions of this section or other code provisions shall be reviewed by the applicable board or governing body.

(2) The audit report and accompanying comments and recommendations shall be reviewed at the first regularly scheduled meeting follow-

ing receipt of the audit report if the audit report is received by the board or governing body prior to ten (10) days before the regularly scheduled meeting. If the audit report is received by the board or governing body within ten (10) days before a regularly scheduled meeting, the audit report may be reviewed at the next regularly scheduled meeting after the ten-day period.

(3) The board or governing body shall take appropriate action relating to each finding and recommendation contained in the audit report. The minutes of the board or governing body shall document the review of the findings and recommendations and the action taken by the board or governing body.

(e) In addition to any other requirements in this section, the Legislative Joint Auditing Committee may establish additional compliance or financial reporting requirements for audits of publicly funded educational institutions performed by the division or by an independent person licensed to practice accounting by the board.

(f) Education service cooperatives shall be subject to the same financial management practices, reviews, and designations as provided for school districts under § 6-15-2101.

History. Acts 1985, No. 29, §§ 1, 2; 1985, No. 66, §§ 1, 2; A.S.A. 1947, §§ 13-1528, 13-1529; Acts 1991, No. 4, § 1; 2003 (2nd Ex. Sess.), No. 61, § 2; 2007, No. 617, § 1; 2009, No. 286, § 1; 2013, No. 1155, § 1.

Amendments. The 2009 amendment rewrote (b)(2); deleted “§§ 6-14-102 and”

in (b)(3); substituted “6-17-913” for “6-17-915” in (b)(9); deleted (b)(10) and redesignated the remaining subdivisions accordingly.

The 2013 amendment substituted “An audit of a publicly funded” for “The audit of every publicly funded” at the beginning of (a)(1) and added (a)(2).

6-1-102. [Repealed.]

Publisher’s Notes. This section, concerning state boards, was repealed by Acts 2013, No. 581, § 1. The section was de-

rived from Acts 1989, No. 14, § 1; 1999, No. 478, § 1.

6-1-106. Definition of “sibling”.

For the purpose of a school choice transfer, “sibling” means each of two (2) or more children having a parent in common by blood, adoption, marriage, or foster care.

History. Acts 2013, No. 1508, § 1.

SUBCHAPTER 2 — ARKANSAS LEADERSHIP INSTITUTE FOR TEACHERS OF THE DELTA

SECTION.

6-1-201, 6-1-202. [Repealed.]

6-1-201, 6-1-202. [Repealed.]

Publisher's Notes. This subchapter was repealed by Acts 2013, No. 1155, § 2. The chapter was derived from the following sources:

6-1-201. Acts 2001, No. 1521, § 1.

6-1-202. Acts 2001, No. 1523, §§ 1-3.

**SUBCHAPTER 3 — ARKANSAS COMMISSION FOR COORDINATION OF
EDUCATIONAL EFFORTS**

SECTION.

6-1-301. Arkansas Commission for Coord-

dination of Educational
Efforts.

**6-1-301. Arkansas Commission for Coordination of Educational
Efforts.**

(a) There is created the "Arkansas Commission for Coordination of Educational Efforts".

(b) The Arkansas Commission for Coordination of Educational Efforts is composed of the following members:

- (1) The Director of the Department of Higher Education;
- (2) The Commissioner of Education;
- (3) The Director of the Department of Career Education;
- (4) The Director of the Division of Child Care and Early Childhood Education of the Department of Human Services or his or her designee;
- (5) The Director of the Arkansas Economic Development Commission;
- (6) The Vice President for Agriculture of the University of Arkansas System;
- (7) The President of the Arkansas Science and Technology Authority;
- (8) The Director of the Department of Information Systems or his or her designee;
- (9) The Governor or the Governor's designee;
- (10) One (1) public school administrator appointed by the Governor;
- (11) One (1) public school teacher appointed by the Governor;
- (12) One (1) president or chancellor of a four-year university appointed by the Presidents Council;
- (13) One (1) president or chancellor of a two-year college or two-year branch of a four-year university appointed by the council;
- (14) One (1) member of the board of trustees of a four-year university or system of colleges and universities appointed by the council;
- (15) One (1) member of the board of trustees of a two-year college or branch appointed by the council;
- (16) One (1) member appointed by the President Pro Tempore of the Senate from a list of three (3) nominees submitted by the Executive Director of the Arkansas Education Association;
- (17) One (1) member appointed by the Speaker of the House of Representatives from a list of three (3) nominees submitted by the Executive Director of the Arkansas Association of Educational Administrators;

(18) One (1) member appointed jointly by the Speaker of the House of Representatives and the President Pro Tempore of the Senate from a list of three (3) nominees submitted by the Executive Director of the Arkansas School Boards Association;

(19) One (1) representative of a predominantly black college or university in Arkansas appointed by the Speaker of the House of Representatives;

(20) One (1) member appointed by the Speaker of the House of Representatives who is from the private sector and has an interest in science, technology, engineering, or math; and

(21) One (1) member appointed by the President Pro Tempore of the Senate who is from the private sector and has an interest in science, technology, engineering, or math.

(c)(1) Each member of the commission shall be a resident of the State of Arkansas throughout his or her term on the commission.

(2) None of the members appointed from the board of trustees of a college or university shall be from an institution from which the president or chancellor of the institution is serving on the commission.

(d) The appointed members of the commission shall serve staggered terms of four (4) years.

(e) If a vacancy occurs in an appointed position, the vacancy shall be filled for the unexpired term by an appointment made in the same manner as the original appointment.

History. Acts 2003 (2nd Ex. Sess.), No. 109, § 1; 2005, No. 1936, § 1; 2007, No. 751, § 1; 2009, No. 1470, § 1.

Amendments. The 2009 amendment added (b)(20) and (b)(21) and made related changes.

SUBCHAPTER 4 — SCHOOL LEADERSHIP COORDINATING COUNCIL

SECTION.

6-1-401. Title.

6-1-402. Findings.

6-1-403. Purpose.

SECTION.

6-1-404. Creation.

6-1-405. Report.

Effective Dates. Acts 2009, No. 222, § 4: Feb. 25, 2009. Emergency clause provided: "It is found and determined by the General Assembly of the State of Arkansas that it is the constitutional obligation of the state to ensure that the state's public school children receive an equal opportunity for an adequate education; that to ensure that opportunity, it is essential to have strong and effective school leaders; and that this act is immediately necessary to allow the Department of Education, the Department of Higher

Education, the Department of Workforce Education, and the Arkansas Leadership Academy to address deficiencies in the Arkansas's educational leadership system. Therefore, an emergency is declared to exist and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on: (1) The date of its approval by the Governor; (2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or

(3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto."

6-1-401. Title.

There is established the "School Leadership Coordinating Council".

History. Acts 2009, No. 222, § 1.

A.C.R.C. Notes. Acts 2009, No. 222, § 3, provided: "The document attached hereto titled 'Prologue' contains the Leadership Taskforce recommendations as submitted to the Adequacy Study Over-

sight Subcommittee, the House Interim Committee on Education, and the Senate Interim Committee on Education. The document, 'Prologue', shall be filed in the journals of the House and Senate."

6-1-402. Findings.

The General Assembly finds that:

(1) A statewide performance and results-based system of leadership development to ensure high levels of collaborative leadership and continuous improvement must have all educators work collaboratively with community stakeholders to apply effective, evidence-based strategies and practices that increase student and adult learning and close the achievement gap;

(2) High quality classroom teaching and administrative leadership are strong predictors of student success, and all educators in the state must possess the skills and knowledge to increase student and adult learning and close the achievement gap;

(3) High quality leadership capacity building and training is required to align the public education system from kindergarten through postsecondary and workforce readiness with an objective of universal proficiency for all students;

(4) High quality learning experiences focus on both individual and organizational improvement and provide educational leaders with a variety of support systems as they progress on the career continuum from aspiring to retiring; and

(5) An effective statewide leadership development system will result in increased graduation rates, reduced remediation rates, the closing of achievement gaps, increased student and adult performance, increased recruitment of effective leaders, and increased capacity for instructional leaders, and thus will increase the number of Arkansas citizens with bachelor's degrees.

History. Acts 2009, No. 222, § 1.

A.C.R.C. Notes. Acts 2009, No. 222, § 3, provided: "The document attached hereto titled 'Prologue' contains the Leadership Taskforce recommendations as submitted to the Adequacy Study Over-

sight Subcommittee, the House Interim Committee on Education, and the Senate Interim Committee on Education. The document, 'Prologue', shall be filed in the journals of the House and Senate."

6-1-403. Purpose.

The purpose of the School Leadership Coordinating Council is to:

(1) Serve as a central body to coordinate the leadership development system efforts across the state including:

(A) Encouraging school districts to work with the Department of Education, the Department of Higher Education, the Department of Career Education, the Arkansas Leadership Academy School Support Program, and other leadership groups;

(B) Recommending a state leadership development system to coordinate all aspects of leadership development based on educational leadership standards adopted by the Department of Education; and

(C) Devising a system of gathering data that includes input from practitioners, educational and community leaders, university leadership and faculty, and other interested parties;

(2) Assist the Department of Education, the Department of Higher Education, the Department of Career Education, the Arkansas Leadership Academy School Support Program, school districts, and other leadership groups in enhancing school leadership and school support efforts; and

(3) Aid in the development of model evaluation tools for use in the evaluation of school administrators.

History. Acts 2009, No. 222, § 1.

A.C.R.C. Notes. Acts 2009, No. 222, § 3, provided: "The document attached hereto titled 'Prologue' contains the Leadership Taskforce recommendations as submitted to the Adequacy Study Over-

sight Subcommittee, the House Interim Committee on Education, and the Senate Interim Committee on Education. The document, 'Prologue', shall be filed in the journals of the House and Senate."

6-1-404. Creation.

(a) The School Leadership Coordinating Council consists of thirteen (13) members as follows:

(1) The Chair of the Arkansas Association of Colleges for Teacher Education Council of Deans;

(2) The Commissioner of Education;

(3) The Director of the Arkansas Leadership Academy;

(4) The Director of the Department of Higher Education;

(5) The Director of the Department of Career Education;

(6) The Executive Director of the Arkansas Association of Educational Administrators;

(7) The Executive Director of the Arkansas Education Association;

(8) The Executive Director of the Arkansas School Boards Association;

(9) The Executive Director of the Arkansas Association for Supervision and Curriculum Development;

(10) The President of the Arkansas Rural Education Association;

(11) A representative from the Arkansas Professors of Educational Administration;

(12) A representative from the Arkansas Center for Executive Leadership; and

(13) A representative from an education service cooperative.

(b) Any member may appoint a designee to serve in his or her place if necessary.

(c)(1) The chair of the School Leadership Coordinating Council is elected by majority vote at the first meeting of the council.

(2) All changes in council chair are decided by majority vote of the council.

(d)(1) The council shall meet at the times and places that the chair deems necessary but no less than four (4) times per year.

(2) Seven (7) members of the council shall constitute a quorum for the purpose of transacting business.

(3) All actions of the council are by quorum.

(e) The Department of Education, with the assistance of the Department of Higher Education and the Department of Career Education, shall staff the council.

(f) All members of the council may receive expense reimbursement in accordance with § 25-16-902 paid by the Department of Education if funds are available.

History. Acts 2009, No. 222, § 1.

A.C.R.C. Notes. Acts 2009, No. 222, § 3, provided: "The document attached hereto titled 'Prologue' contains the Leadership Taskforce recommendations as submitted to the Adequacy Study Over-

sight Subcommittee, the House Interim Committee on Education, and the Senate Interim Committee on Education. The document, 'Prologue', shall be filed in the journals of the House and Senate."

6-1-405. Report.

(a) The chair of the School Leadership Coordinating Council shall provide a report to the interim House Committee on Education and the interim Senate Committee on Education no later than September 1, 2010, and each year thereafter.

(b) The report shall identify:

(1) Deficient areas of school leadership;

(2) Innovative programs to address deficient areas of school leadership;

(3) Progress made to improve school leadership;

(4) Plans to improve the quality of school leadership throughout the state;

(5) Development and activities of school leadership cohorts; and

(6) Efforts made to address school leadership recommendations expressed in the 2008 Educational Adequacy report or subsequent reports submitted by the interim House Committee on Education and the interim Senate Committee on Education.

History. Acts 2009, No. 222, § 1.

A.C.R.C. Notes. Acts 2009, No. 222, § 3, provided: "The document attached hereto titled 'Prologue' contains the Leadership Taskforce recommendations as submitted to the Adequacy Study Over-

sight Subcommittee, the House Interim Committee on Education, and the Senate Interim Committee on Education. The document, 'Prologue', shall be filed in the journals of the House and Senate."

SUBCHAPTER 5 — THE ARKANSAS PROJECT GRADUATION COMMISSION

SECTION.

6-1-501 — 6-1-505. [Repealed.]

6-1-501 — 6-1-505. [Repealed.]

Publisher's Notes. This subchapter was repealed by Acts 2013, No. 581, § 2.

6-1-501. Acts 2009, No. 1306, § 1.

6-1-502. Acts 2009, No. 1306, § 1.

6-1-503. Acts 2009, No. 1306, § 1.

6-1-504. Acts 2009, No. 1306, § 1.

6-1-505. Acts 2009, No. 1306, § 1.

SUBCHAPTER 6 — COLLEGE AND CAREER COACHES PROGRAM

SECTION.

6-1-601. Findings.

6-1-602. Creation — Program participation.

6-1-603. Program administration.

SECTION.

6-1-604. College and career coaches — Duties — Supervision.

6-1-605. Program effectiveness and measurement.

A.C.R.C. Notes. Acts 2013, No. 1285, § 1, provided: "The General Assembly finds that:

"(1) Many students leave high school:

"(A) Without a plan for their education, training, or career after high school;

"(B) Unaware or lacking understanding of the process or preparation required for success after high school graduation; and

"(C) Failing to recognize the value of secondary education, leading to high drop-out rates; and

"(2) The state has a responsibility to

assist the citizens of Arkansas to advance and to prosper by providing access to the College and Career Coaches Program that will assist students by:

"(A) Intervening at the middle school and high school level;

"(B) Assisting students with developing and maintaining dynamic career plans;

"(C) Exposing students to various opportunities for careers and education after high school; and

"(D) Educating students about the process for pursuing postsecondary education and financial assistance."

6-1-601. Findings.

The General Assembly finds that:

(1) Highly skilled and educated people who can handle demanding jobs and generate new ideas are necessary for Arkansas to prosper in a global economy; and

(2) With only eighteen percent (18%) of Arkansans twenty-five (25) years of age and older holding a baccalaureate degree, Arkansas is

ranked forty-ninth in the nation for adults who hold a baccalaureate degree, creating an impediment to the success of the state.

History. Acts 2013, No. 1285, § 2.

6-1-602. Creation — Program participation.

(a)(1) The College and Career Coaches Program is established to assist students in preparing for postsecondary education or careers.

(2) Coaches shall be accessible to students who attend middle schools and high schools located in Tier 3 and Tier 4 counties.

(b)(1) School districts located in Tier 3 and Tier 4 counties shall receive priority to participate in the College and Career Coaches Program.

(2) School districts located outside of Tier 3 and Tier 4 counties who do not have access to a College and Career Coaches Program may apply jointly with an institution of higher education, an education service cooperative, or a non-profit organization to the Department of Career Education for participation in the College and Career Coaches Program.

(c) A school district participating in the College and Career Coaches Program is eligible for administrative support and supplemental grants if funding is available.

(d) A school district may use national school lunch state categorical funds to support the school district's participation in the College and Career Coaches Program.

(e) Participation in the College and Career Coaches Program is contingent on the availability of funding.

History. Acts 2013, No. 1285, § 2.

6-1-603. Program administration.

(a) The Department of Career Education, in partnership with the Department of Education and the Department of Higher Education, shall develop and administer the College and Career Coaches Program.

(b) The Department of Career Education, the division manager for Arkansas Works, an administrative analyst, and at least two (2) managers shall manage the College and Career Coaches Program and:

(1) Provide guidelines and procedures for implementing the College and Career Coaches Program;

(2) Develop, coordinate, and offer training opportunities for college and career coaches;

(3) Monitor implementation of the College and Career Coaches Program by on-site technical assistance visits at least one (1) time every five (5) years;

(4) Develop guidelines and procedures for the application process;

(5) Accept or reject the annual application of a College and Career Coaches Program after:

(A) Reviewing and evaluating evidence of the performance and success of a College and Career Coaches Program; and

(B) Prioritizing approval and supplemental grant funding to College and Career Coaches Programs in Tier 3 and Tier 4 counties that are operated in partnership between a school district, an institution of higher education, an education service cooperative, or a non-profit organization; and

(6) Prepare annual reports that may be shared with members of the:

(A) Governor's Workforce Cabinet;

(B) General Assembly; and

(C) Governor's office.

History. Acts 2013, No. 1285, § 2.

6-1-604. College and career coaches — Duties — Supervision.

(a) A college and career coach shall:

(1) Hold a baccalaureate degree; and

(2) Complete the required career development facilitator training within one (1) year of hiring.

(b) The college and career coaches shall be stationed at an institution of higher education, an education service cooperative, or a non-profit organization and shall provide services and support to students in middle schools and high schools located in Tier 3 and Tier 4 counties, including without limitation:

(1) Assisting the career orientation instructor with the development of college and career plans for students, beginning in grade seven (7);

(2) Assisting the school counselor with college and career planning resources and revising college and career plans for each student annually, beginning in grade nine (9);

(3) Offering high school students college and career planning services and activities that combine counseling on career options and experiential learning with academic planning to assist students with their college and career plans;

(4) Encouraging parental participation by scheduling annual parent sessions, beginning with students in grade seven (7), to assist parents and students in understanding the college and career planning process;

(5) Providing parents and high school students with information about career and technology education program opportunities available in Arkansas and the level of education and skill required to be successful in various career fields;

(6) Preparing high school students with information and preparation for financing a postsecondary education;

(7) Assisting schools in promoting quality career development for students in grades seven through twelve (7-12);

(8) Supporting students in middle school and high school in the exploration of career clusters and the selection of an area of academic focus with a cluster of study;

(9) Improving and promoting career development and college planning opportunities within school districts and communities;

(10) Attending continuing education programs on the certified career development facilitator curriculum sponsored by the state;

(11) Coordinating with school counselors and school administrators on career day events, career classes, career programming, college planning, and financial aid activities;

(12) Coordinating community resources and citizens representing diverse occupations to provide career development activities for parents and students; and

(13) Assisting with online-based career guidance and college planning systems.

(c)(1) An institution of higher education, an education service cooperative, or a non-profit organization participating in the College and Career Coaches Program shall assign an on-site supervisor who shall:

(A) Supervise the College and Career Coaches Program locally; and

(B) Be a liaison between the institution of higher education, education service cooperative, or non-profit organization and the Department of Career Education.

(2) The Department of Career Education, through the division manager for Arkansas Works, and the on-site supervisor shall evaluate the performance of each college and career coach.

History. Acts 2013, No. 1285, § 2.

6-1-605. Program effectiveness and measurement.

(a)(1) The effectiveness of the College and Career Coaches Program shall be evaluated based on measurable benefits to students, including increases in:

(A) High school graduation rates;

(B) Completion of the Smart Core curriculum;

(C) College attendance rates;

(D) Remediation rates; and

(E) Applications for financial aid.

(2)(A) The Department of Education and the Department of Higher Education shall collect and report performance data to determine the effectiveness of the program.

(B) The data shall be collected for each county and school district served by the College and Career Coaches Program and shall be shared with the Department of Career Education on January 1 and August 1 each year.

(b) Annually, each college and career coach shall submit a report to the division manager for Arkansas Works describing his or her student contacts and the programs and services provided.

History. Acts 2013, No. 1285, § 2.

CHAPTER 4

INTERSTATE COMPACTS

SUBCHAPTER.

2. COMPACT FOR EDUCATION. [REPEALED.]
3. INTERSTATE COMPACT ON EDUCATIONAL OPPORTUNITY FOR MILITARY CHILDREN.

SUBCHAPTER 2 — COMPACT FOR EDUCATION

SECTION.

6-4-201 — 6-4-203. [Repealed.]

6-4-201 — 6-4-203. [Repealed.]

A.C.R.C. Notes. The amendment to this section by Acts 2013, No. 1287, § 1 was superseded by the repeal of this section by Acts 2013, No. 581, § 3. As amended by Acts 2013, No. 1287, § 1, subdivision (b)(2) of this section read:

“(2) One (1) member appointed by the Speaker of the House of Representatives and one (1) member appointed by the President Pro Tempore of the Senate, each of whom shall serve until the next regular biennial session of the General Assembly at which their successors shall be appointed in the same manner.”

Publisher's Notes. This subchapter, concerning a compact for education, was repealed by Acts 2013, No. 581, § 3. The subchapter was derived from the following sources:

6-4-201. Acts 1965 (2nd Ex. Sess.), No. 22, § 1; 1967, No. 40, §§ 1, 2; A.S.A. 1947, § 80-4501.

6-4-202. Acts 1965 (2nd Ex. Sess.), No. 22, § 2; 1967, No. 40, § 3; A.S.A. 1947, § 80-4502; Acts 1997, No. 250, § 13.

6-4-203. Acts 1965 (2nd Ex. Sess.), No. 22, § 3; 1967, No. 40, § 4; A.S.A. 1947, § 80-4503.

SUBCHAPTER 3 — INTERSTATE COMPACT ON EDUCATIONAL OPPORTUNITY FOR MILITARY CHILDREN

SECTION.

- 6-4-301. Title.
- 6-4-302. Adoption of compact.
- 6-4-303. Compact Commissioner for Arkansas.
- 6-4-304. Creation of the State Council.

SECTION.

- 6-4-305. Duties of the State Council.
- 6-4-306. Military family education liaison.
- 6-4-307. Fees.
- 6-4-308. Immunity not affected.

6-4-301. Title.

This subchapter is known and may be cited as the “Interstate Compact on Educational Opportunity for Military Children”.

History. Acts 2013, No. 146, § 1.

6-4-302. Adoption of compact.

The Interstate Compact on Educational Opportunity for Military Children is enacted into law and entered into with all other jurisdictions legally joining in this compact in the form substantially as follows:

Interstate Compact on Educational Opportunity for Military Children

ARTICLE I

PURPOSE

It is the purpose of this compact to remove barriers to educational success imposed on children of military families because of frequent moves and deployment of their parents by:

A. Facilitating the timely enrollment of children of military families and ensuring that they are not placed at a disadvantage due to difficulty in the transfer of education records from the previous school district(s) or variations in entrance/age requirements.

B. Facilitating the student placement process through which children of military families are not disadvantaged by variations in attendance requirements, scheduling, sequencing, grading, course content or assessment.

C. Facilitating the qualification and eligibility for enrollment, educational programs, and participation in extracurricular academic, athletic, and social activities.

D. Facilitating the on-time graduation of children of military families.

E. Providing for the adoption and enforcement of administrative rules implementing the provisions of this compact.

F. Providing for the uniform collection and sharing of information between and among member states, schools and military families under this compact.

G. Promoting coordination between this compact and other compacts affecting military children.

H. Promoting flexibility and cooperation between the educational system, parents and the student in order to achieve educational success for the student.

ARTICLE II

DEFINITIONS

As used in this compact, unless the context clearly requires a different construction:

A. "Active duty" means: full-time duty status in the active uniformed service of the United States, including members of the National Guard and Reserve on active duty orders pursuant to 10 U.S.C. Section 1209 and 1211.

B. "Children of military families" means: a school-aged child(ren), enrolled in Kindergarten through Twelfth (12th) grade, in the household of an active duty member.

C. "Compact commissioner" means: the voting representative of each compacting state appointed pursuant to Article VIII of this compact.

D. "Deployment" means: the period one (1) month prior to the service members' departure from their home station on military orders though six (6) months after return to their home station.

E. "Education(al) records" means: those official records, files, and data directly related to a student and maintained by the school or local education agency, including but not limited to records encompassing all the material kept in the student's cumulative folder such as general identifying data, records of attendance and of academic work completed, records of achievement and results of evaluative tests, health data, disciplinary status, test protocols, and individualized education programs.

F. "Extracurricular activities" means: a voluntary activity sponsored by the school or local education agency or an organization sanctioned by the local education agency. Extracurricular activities include, but are not limited to, preparation for and involvement in public performances, contests, athletic competitions, demonstrations, displays, and club activities.

G. "Interstate Commission on Educational Opportunity for Military Children" means: the commission that is created under Article IX of this compact, which is generally referred to as Interstate Commission.

H. "Local education agency" means: a public authority legally constituted by the state as an administrative agency to provide control of and direction for Kindergarten through Twelfth (12th) grade public educational institutions.

I. "Member state" means: a state that has enacted this compact.

J. "Military installation" means: a base, camp, post, station, yard, center, homeport facility for any ship, or other activity under the jurisdiction of the Department of Defense, including any leased facility, which is located within any of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the U.S. Virgin Islands, Guam, American Samoa, the Northern Marianas Islands and any other U.S. Territory. Such term does not include any facility used primarily for civil works, rivers and harbors projects, or flood control projects.

K. "Non-member state" means: a state that has not enacted this compact.

L. "Receiving state" means: the state to which a child of a military family is sent, brought, or caused to be sent or brought.

M. "Rule" means: a written statement by the Interstate Commission promulgated pursuant to Article XII of this compact that is of general applicability, implements, interprets or prescribes a policy or provision of the Compact, or an organizational, procedural, or practice requirement of the Interstate Commission, and has the force and effect of rules promulgated under the Arkansas Administrative Procedure Act, § 25-15-201 et seq., or any successor law, and includes the amendment, repeal, or suspension of an existing rule.

N. "Sending state" means: the state from which a child of a military family is sent, brought, or caused to be sent or brought.

O. "State" means: a state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the U.S. Virgin Islands,

Guam, American Samoa, the Northern Marianas Islands and any other U.S. Territory.

P. "Student" means: the child of a military family for whom the local education agency receives public funding and who is formally enrolled in Kindergarten through Twelfth (12th) grade.

Q. "Transition" means: 1) the formal and physical process of transferring from school to school or 2) the period of time in which a student moves from one school in the sending state to another school in the receiving state.

R. "Uniformed service(s)" means: the Army, Navy, Air Force, Marine Corps, Coast Guard as well as the Commissioned Corps of the National Oceanic and Atmospheric Administration, and Public Health Services.

S. "Veteran" means: a person who served in the uniformed services and who was discharged or released there from under conditions other than dishonorable.

ARTICLE III

APPLICABILITY

A. Except as otherwise provided in Section B, this compact shall apply to the children of:

1. active duty members of the uniformed services as defined in this compact, including members of the National Guard and Reserve on active duty orders pursuant to 10 U.S.C. Section 1209 and 1211;

2. members or veterans of the uniformed services who are severely injured and medically discharged or retired for a period of one (1) year after medical discharge or retirement; and

3. members of the uniformed services who die on active duty or as a result of injuries sustained on active duty for a period of one (1) year after death.

B. The provisions of this interstate compact shall only apply to local education agencies as defined in this compact.

C. The provisions of this compact shall not apply to the children of:

1. inactive members of the national guard and military reserves;

2. members of the uniformed services now retired, except as provided in Section A;

3. veterans of the uniformed services, except as provided in Section A; and

4. other U.S. Dept. of Defense personnel and other federal agency civilian and contract employees not defined as active duty members of the uniformed services.

ARTICLE IV

EDUCATIONAL RECORDS & ENROLLMENT

A. Unofficial or "hand-carried" education records — In the event that official education records cannot be released to the parents for the purpose of transfer, the custodian of the records in the sending state

shall prepare and furnish to the parent a complete set of unofficial educational records containing uniform information as determined by the Interstate Commission. Upon receipt of the unofficial education records by a school in the receiving state, the school shall enroll and appropriately place the student based on the information provided in the unofficial records pending validation by the official records, as quickly as possible to the extent feasible.

B. Official education records/transcripts — Simultaneous with the enrollment and conditional placement of the student, the school in the receiving state shall request the student's official education record from the school in the sending state. Upon receipt of this request, the school in the sending state will process and furnish the official education records to the school in the receiving state within ten (10) days or within such time as is reasonably determined under the rules promulgated by the Interstate Commission.

C. Immunizations — Compacting states shall give thirty (30) days from the date of enrollment or within such time as is reasonably determined under the rules promulgated by the Interstate Commission, for students to obtain any immunization(s) required by the receiving state. For a series of immunizations, initial vaccinations must be obtained within thirty (30) days or within such time as is reasonably determined under the rules promulgated by the Interstate Commission.

D. Kindergarten and First grade entrance age — Students shall be allowed to continue their enrollment at grade level in the receiving state commensurate with their grade level (including Kindergarten) from a local education agency in the sending state at the time of transition, regardless of age. A student that has satisfactorily completed the prerequisite grade level in the local education agency in the sending state shall be eligible for enrollment in the next highest grade level in the receiving state, regardless of age. A student transferring after the start of the school year in the receiving state shall enter the school in the receiving state on their validated level from an accredited school in the sending state.

ARTICLE V

PLACEMENT & ATTENDANCE

A. Course placement — When the student transfers before or during the school year, the receiving state school shall initially honor placement of the student in educational courses based on the student's enrollment in the sending state school and/or educational assessments conducted at the school in the sending state if the courses are offered and there is space available, as determined by the school district. Course placement includes but is not limited to Honors, International Baccalaureate, Advanced Placement, vocational, technical and career pathways courses. Continuing the student's academic program from the previous school and promoting placement in academically and career challenging courses should be paramount when considering

placement. This does not preclude the school in the receiving state from performing subsequent evaluations to ensure appropriate placement and continued enrollment of the student in the course(s).

B. Educational program placement — The receiving state school shall initially honor placement of the student in educational programs based on current educational assessments conducted at the school in the sending state or participation/placement in like programs in the sending state provided that the program exists in the school and there is space available, as determined by the school district. Such programs include, but are not limited to: 1) gifted and talented programs; and 2) English as a second language (ESL).

This does not preclude the school in the receiving state from performing subsequent evaluations to ensure appropriate placement of the student.

C. Special education services. 1) In compliance with the federal requirements of the Individuals with Disabilities Education Act (IDEA), 20 U.S.C.A. Section 1400 et seq, the receiving state shall initially provide comparable services to a student with disabilities based on his/her current Individualized Education Program (IEP); and 2) In compliance with the requirements of Section 504 of the Rehabilitation Act, 29 U.S.C.A. Section 794, and with Title II of the Americans with Disabilities Act, 42 U.S.C.A. Sections 12131-12165, the receiving state shall make reasonable accommodations and modifications to address the needs of incoming students with disabilities, subject to an existing 504 or Title II Plan, to provide the student with equal access to education. This does not preclude the school in the receiving state from performing subsequent evaluations to ensure appropriate placement of the student.

D. Placement flexibility — Local education agency administrative officials shall have flexibility in waiving course/program prerequisites, or other preconditions for placement in courses/programs offered under the jurisdiction of the local education agency.

E. Absence as related to deployment activities — A student whose parent or legal guardian is an active duty member of the uniformed services, as defined by the compact, and has been called to duty for, is on leave from, or immediately returned from deployment to a combat zone or combat support posting, shall be granted additional excused absences at the discretion of the local education agency superintendent to visit with his or her parent or legal guardian relative to such leave or deployment of the parent or guardian.

ARTICLE VI

ELIGIBILITY

A. Eligibility for enrollment

1. Special power of attorney, relative to the guardianship of a child of a military family and executed under applicable law shall be sufficient for the purposes of enrollment and all other actions requiring parental participation and consent.

2. A local education agency shall be prohibited from charging local tuition to a transitioning military child placed in the care of a non-custodial parent or other person standing in loco parentis who lives in a jurisdiction other than that of the custodial parent.

3. A transitioning military child, placed in the care of a non-custodial parent or other person standing in loco parentis who lives in a jurisdiction other than that of the custodial parent, may continue to attend the school in which he/she was enrolled while residing with the custodial parent.

B. Eligibility for extracurricular participation — State and local education agencies shall facilitate the opportunity for transitioning military children's inclusion in extracurricular activities, regardless of application deadlines, to the extent they are otherwise qualified.

ARTICLE VII

GRADUATION

In order to facilitate the on-time graduation of children of military families states and local education agencies shall incorporate the following procedures:

A. Waiver requirements — Local education agency administrative officials shall waive specific courses required for graduation if similar course work has been satisfactorily completed in another local education agency or shall provide reasonable justification for denial. Should a waiver not be granted to a student who would qualify to graduate from the sending school, the local education agency shall provide an alternative means of acquiring required coursework so that graduation may occur on time.

B. Exit exams — States shall accept: 1) Exit or end-of-course exams required for graduation from the sending state; or 2) National norm-referenced achievement tests; or 3) Alternative testing, in lieu of testing requirements for graduation in the receiving state. In the event the above alternatives cannot be accommodated by the receiving state for a student transferring in his or her Senior year, then the provisions of Article VII, Section C shall apply.

C. Transfers during Senior year — Should a military student transferring at the beginning or during his or her Senior year be ineligible to graduate from the receiving local education agency after all alternatives have been considered, the sending and receiving local education agencies shall ensure the receipt of a diploma from the sending local education agency, if the student meets the graduation requirements of the sending local education agency. In the event that one of the states in question is not a member of this compact, the member state shall use best efforts to facilitate the on-time graduation of the student in accordance with Sections A and B of this Article.

ARTICLE VIII

STATE COORDINATION

A. Each member state shall, through the creation of a State Council or use of an existing body or board, provide for the coordination among its agencies of government, local education agencies and military installations concerning the state's participation in, and compliance with, this compact and Interstate Commission activities. While each member state may determine the membership of its own State Council, its membership must include at least: the state superintendent of education or his or her designee, superintendent of a school district with a high concentration of military children, representative from a military installation, one representative each from the legislative and executive branches of government, and other offices and stakeholder groups the State Council deems appropriate. A member state that does not have a school district deemed to contain a high concentration of military children may appoint a superintendent from another school district to represent local education agencies on the State Council.

B. The State Council of each member state shall appoint or designate a military family education liaison to assist military families and the state in facilitating the implementation of this compact.

C. The compact commissioner responsible for the administration and management of the state's participation in the compact shall be appointed by the Governor or as otherwise determined by each member state.

D. The compact commissioner and the military family education liaison designated herein shall be ex-officio members of the State Council, unless either is already a full voting member of the State Council.

ARTICLE IX

INTERSTATE COMMISSION ON EDUCATIONAL OPPORTUNITY
FOR MILITARY CHILDREN

The member states hereby create the "Interstate Commission on Educational Opportunity for Military Children." The activities of the Interstate Commission are the formation of public policy and are a discretionary state function. The Interstate Commission shall:

A. Be a body corporate and joint agency of the member states and shall have all the responsibilities, powers and duties set forth herein, and such additional powers as may be conferred upon it by a subsequent concurrent action of the respective legislatures of the member states in accordance with the terms of this compact.

B. Consist of one Interstate Commission voting representative from each member state who shall be that state's compact commissioner.

1. Each member state represented at a meeting of the Interstate Commission is entitled to one vote.

2. A majority of the total member states shall constitute a quorum for the transaction of business, unless a larger quorum is required by the bylaws of the Interstate Commission.

3. A representative shall not delegate a vote to another member state. In the event the compact commissioner is unable to attend a meeting of the Interstate Commission, the Governor or State Council may delegate voting authority to another person from their state for a specified meeting.

4. The bylaws may provide for meetings of the Interstate Commission to be conducted by telecommunication or electronic communication.

C. Consist of ex-officio, non-voting representatives who are members of interested organizations. Such ex-officio members, as defined in the bylaws, may include but not be limited to, members of the representative organizations of military family advocates, local education agency officials, parent and teacher groups, the U.S. Department of Defense, the Education Commission of the States, the Interstate Agreement on the Qualification of Educational Personnel and other interstate compacts affecting the education of children of military members.

D. Meet at least once each calendar year. The chairperson may call additional meetings and, upon the request of a simple majority of the member states, shall call additional meetings.

E. Establish an executive committee, whose members shall include the officers of the Interstate Commission and such other members of the Interstate Commission as determined by the bylaws. Members of the executive committee shall serve a one year term. Members of the executive committee shall be entitled to one vote each. The executive committee shall have the power to act on behalf of the Interstate Commission, with the exception of rulemaking, during periods when the Interstate Commission is not in session. The executive committee shall oversee the day-to-day activities of the administration of the compact including enforcement and compliance with the provisions of the compact, its bylaws and rules, and other such duties as deemed necessary. The U.S. Dept. of Defense, shall serve as an ex-officio, nonvoting member of the executive committee.

F. Establish bylaws and rules that provide for conditions and procedures under which the Interstate Commission shall make its information and official records available to the public for inspection or copying. The Interstate Commission may exempt from disclosure information or official records to the extent they would adversely affect personal privacy rights or proprietary interests.

G. Public notice shall be given by the Interstate Commission of all meetings and all meetings shall be open to the public, except as set forth in the rules or as otherwise provided in the compact. The Interstate Commission and its committees may close a meeting, or portion thereof, where it determines by two-thirds vote that an open meeting would be likely to:

1. Relate solely to the Interstate Commission's internal personnel practices and procedures;

2. Disclose matters specifically exempted from disclosure by federal and state statute;
3. Disclose trade secrets or commercial or financial information that is privileged or confidential;
4. Involve accusing a person of a crime, or formally censuring a person;
5. Disclose information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy;
6. Disclose investigative records compiled for law enforcement purposes; or
7. Specifically relate to the Interstate Commission's participation in a civil action or other legal proceeding.

H. For a meeting, or portion of a meeting, closed pursuant to this provision, the Interstate Commission's legal counsel or designee shall certify that the meeting may be closed and shall reference each relevant exemptible provision. The Interstate Commission shall keep minutes that shall fully and clearly describe all matters discussed in a meeting and shall provide a full and accurate summary of actions taken, and the reasons therefore, including a description of the views expressed and the record of a roll call vote. All documents considered in connection with an action shall be identified in such minutes. All minutes and documents of a closed meeting shall remain under seal, subject to release by a majority vote of the Interstate Commission.

I. The Interstate Commission shall collect standardized data concerning the educational transition of the children of military families under this compact as directed through its rules that shall specify the data to be collected, the means of collection and data exchange and reporting requirements. Such methods of data collection, exchange and reporting shall, in so far as is reasonably possible, conform to current technology and coordinate its information functions with the appropriate custodian of records as identified in the bylaws and rules.

J. The Interstate Commission shall create a process that permits military officials, education officials and parents to inform the Interstate Commission if and when there are alleged violations of the compact or its rules or when issues subject to the jurisdiction of the compact or its rules are not addressed by the state or local education agency. This section shall not be construed to create a private right of action against the Interstate Commission or any member state.

ARTICLE X

POWERS AND DUTIES OF THE INTERSTATE COMMISSION

The Interstate Commission shall have the following powers:

- A. To provide for dispute resolution among member states.
- B. To promulgate rules and take all necessary actions to effect the goals, purposes and obligations as enumerated in this compact. The rules shall have the force and effect of rules promulgated under the Arkansas Administrative Procedure Act, § 25-15-201 et seq., or any

successor law, and shall be binding in the compact states to the extent and in the manner provided in this compact.

C. To issue, upon request of a member state, advisory opinions concerning the meaning or interpretation of the interstate compact, its bylaws, rules and actions.

D. To enforce compliance with the compact provisions, the rules promulgated by the Interstate Commission, and the bylaws, using all necessary and proper means, including but not limited to the use of judicial process.

E. To establish and maintain offices that shall be located within one or more of the member states.

F. To purchase and maintain insurance and bonds.

G. To borrow, accept, hire or contract for services of personnel.

H. To establish and appoint committees including, but not limited to, an executive committee as required by Article IX, Section E, which shall have the power to act on behalf of the Interstate Commission in carrying out its powers and duties hereunder.

I. To elect or appoint such officers, attorneys, employees, agents, or consultants, and to fix their compensation, define their duties and determine their qualifications; and to establish the Interstate Commission's personnel policies and programs relating to conflicts of interest, rates of compensation, and qualifications of personnel.

J. To accept any and all donations and grants of money, equipment, supplies, materials, and services, and to receive, utilize, and dispose of it.

K. To lease, purchase, accept contributions or donations of, or otherwise to own, hold, improve or use any property, real, personal, or mixed.

L. To sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of any property, real, personal or mixed.

M. To establish a budget and make expenditures.

N. To adopt a seal and bylaws governing the management and operation of the Interstate Commission.

O. To report annually to the legislatures, governors, judiciary, and state councils of the member states concerning the activities of the Interstate Commission during the preceding year. Such reports shall also include any recommendations that may have been adopted by the Interstate Commission.

P. To coordinate education, training and public awareness regarding the compact, its implementation and operation for officials and parents involved in such activity.

Q. To establish uniform standards for the reporting, collecting and exchanging of data.

R. To maintain corporate books and records in accordance with the bylaws.

S. To perform such functions as may be necessary or appropriate to achieve the purposes of this compact.

T. To provide for the uniform collection and sharing of information between and among member states, schools and military families under this compact.

ARTICLE XI

ORGANIZATION AND OPERATION OF THE INTERSTATE COMMISSION

A. The Interstate Commission shall, by a majority of the members present and voting, within 12 months after the first Interstate Commission meeting, adopt bylaws to govern its conduct as may be necessary or appropriate to carry out the purposes of the compact, including, but not limited to:

1. Establishing the fiscal year of the Interstate Commission;
2. Establishing an executive committee, and such other committees as may be necessary;
3. Providing for the establishment of committees and for governing any general or specific delegation of authority or function of the Interstate Commission;
4. Providing reasonable procedures for calling and conducting meetings of the Interstate Commission, and ensuring reasonable notice of each such meeting;
5. Establishing the titles and responsibilities of the officers and staff of the Interstate Commission;
6. Providing a mechanism for concluding the operations of the Interstate Commission and the return of surplus funds that may exist upon the termination of the compact after the payment and reserving of all of its debts and obligations.
7. Providing "start up" rules for initial administration of the compact.

B. The Interstate Commission shall, by a majority of the members, elect annually from among its members a chairperson, a vice-chairperson, and a treasurer, each of whom shall have such authority and duties as may be specified in the bylaws. The chairperson or, in the chairperson's absence or disability, the vice-chairperson, shall preside at all meetings of the Interstate Commission. The officers so elected shall serve without compensation or remuneration from the Interstate Commission; provided that, subject to the availability of budgeted funds, the officers shall be reimbursed for ordinary and necessary costs and expenses incurred by them in the performance of their responsibilities as officers of the Interstate Commission.

C. Executive Committee, Officers and Personnel

1. The executive committee shall have such authority and duties as may be set forth in the bylaws, including but not limited to:
 - a. Managing the affairs of the Interstate Commission in a manner consistent with the bylaws and purposes of the Interstate Commission;
 - b. Overseeing an organizational structure within, and appropriate procedures for the Interstate Commission to provide for the creation of rules, operating procedures, and administrative and technical support functions; and
 - c. Planning, implementing, and coordinating communications and activities with other state, federal and local government organizations in order to advance the goals of the Interstate Commission.

2. The executive committee may, subject to the approval of the Interstate Commission, appoint or retain an executive director for such period, upon such terms and conditions and for such compensation, as the Interstate Commission may deem appropriate. The executive director shall serve as secretary to the Interstate Commission, but shall not be a Member of the Interstate Commission. The executive director shall hire and supervise such other persons as may be authorized by the Interstate Commission.

D. The Interstate Commission's executive director and its employees shall be immune from suit and liability, either personally or in their official capacity, for a claim for damage to or loss of property or personal injury or other civil liability caused or arising out of or relating to an actual or alleged act, error, or omission that occurred, or that such person had a reasonable basis for believing occurred, within the scope of Interstate Commission employment, duties, or responsibilities; provided, that such person shall not be protected from suit or liability for damage, loss, injury, or liability caused by the intentional or willful and wanton misconduct of such person.

1. The liability of the Interstate Commission's executive director and employees or Interstate Commission representatives, acting within the scope of such person's employment or duties for acts, errors, or omissions occurring within such person's state may not exceed the limits of liability set forth under the Constitution and laws of that state for state officials, employees, and agents. The Interstate Commission is considered to be an instrumentality of the states for the purposes of any such action. Nothing in this subsection shall be construed to protect such person from suit or liability for damage, loss, injury, or liability caused by the intentional or willful and wanton misconduct of such person.

2. The Interstate Commission shall defend the executive director and its employees and, subject to the approval of the Attorney General or other appropriate legal counsel of the member state represented by an Interstate Commission representative, shall defend such Interstate Commission representative in any civil action seeking to impose liability arising out of an actual or alleged act, error or omission that occurred within the scope of Interstate Commission employment, duties or responsibilities, or that the defendant had a reasonable basis for believing occurred within the scope of Interstate Commission employment, duties, or responsibilities, provided that the actual or alleged act, error, or omission did not result from intentional or willful and wanton misconduct on the part of such person.

3. To the extent not covered by the state involved, member state, or the Interstate Commission, the representatives or employees of the Interstate Commission shall be held harmless in the amount of a settlement or judgment, including attorney's fees and costs, obtained against such persons arising out of an actual or alleged act, error, or omission that occurred within the scope of Interstate Commission employment, duties, or responsibilities, or that such persons had a

reasonable basis for believing occurred within the scope of Interstate Commission employment, duties, or responsibilities, provided that the actual or alleged act, error, or omission did not result from intentional or willful and wanton misconduct on the part of such persons.

ARTICLE XII

RULEMAKING FUNCTIONS OF THE INTERSTATE COMMISSION

A. Rulemaking Authority — The Interstate Commission shall promulgate reasonable rules in order to effectively and efficiently achieve the purposes of this Compact. Notwithstanding the foregoing, in the event the Interstate Commission exercises its rulemaking authority in a manner that is beyond the scope of the purposes of this Act, or the powers granted hereunder, then such an action by the Interstate Commission shall be invalid and have no force or effect.

B. Rulemaking Procedure — Rules shall be made pursuant to a rulemaking process that substantially conforms to the “Model State Administrative Procedure Act,” of 1981 Act, Uniform Laws Annotated, Vol. 15, p.1 (2000) as amended, as may be appropriate to the operations of the Interstate Commission.

C. Not later than thirty (30) days after a rule is promulgated, any person may file a petition for judicial review of the rule; provided, that the filing of such a petition shall not stay or otherwise prevent the rule from becoming effective unless the court finds that the petitioner has a substantial likelihood of success. The court shall give deference to the actions of the Interstate Commission consistent with applicable law and shall not find the rule to be unlawful if the rule represents a reasonable exercise of the Interstate Commission’s authority.

D. If a majority of the legislatures of the compacting states rejects a Rule by enactment of a statute or resolution in the same manner used to adopt the compact, then such rule shall have no further force and effect in any compacting state.

ARTICLE XIII

OVERSIGHT, ENFORCEMENT, AND DISPUTE RESOLUTION

A. Oversight

1. The executive, legislative and judicial branches of state government in each member state shall enforce this compact and shall take all actions necessary and appropriate to effectuate the compact’s purposes and intent.

2. All courts shall take judicial notice of the compact and the rules in any judicial or administrative proceeding in a member state pertaining to the subject matter of this compact that may affect the powers, responsibilities or actions of the Interstate Commission.

3. The Interstate Commission shall be entitled to receive all service of process in any such proceeding, and shall have standing to intervene in the proceeding for all purposes. Failure to provide service of process

to the Interstate Commission shall render a judgment or order void as to the Interstate Commission, this compact or promulgated rules.

B. Default, Technical Assistance, Suspension and Termination — If the Interstate Commission determines that a member state has defaulted in the performance of its obligations or responsibilities under this compact, or the bylaws or promulgated rules, the Interstate Commission shall:

1. Provide written notice to the defaulting state and other member states, of the nature of the default, the means of curing the default and any action taken by the Interstate Commission. The Interstate Commission shall specify the conditions by which the defaulting state must cure its default.

2. Provide remedial training and specific technical assistance regarding the default.

3. If the defaulting state fails to cure the default, the defaulting state shall be terminated from the compact upon an affirmative vote of a majority of the member states and all rights, privileges and benefits conferred by this compact shall be terminated from the effective date of termination. A cure of the default does not relieve the offending state of obligations or liabilities incurred during the period of the default.

4. Suspension or termination of membership in the compact shall be imposed only after all other means of securing compliance have been exhausted. Notice of intent to suspend or terminate shall be given by the Interstate Commission to the Governor, the majority and minority leaders of the defaulting state's legislature, and each of the member states.

5. The state that has been suspended or terminated is responsible for all assessments, obligations and liabilities incurred through the effective date of suspension or termination including obligations, the performance of which extends beyond the effective date of suspension or termination.

6. The Interstate Commission shall not bear any costs relating to any state that has been found to be in default or that has been suspended or terminated from the compact, unless otherwise mutually agreed upon in writing between the Interstate Commission and the defaulting state.

7. The defaulting state may appeal the action of the Interstate Commission by petitioning the U.S. District Court for the District of Columbia or the federal district where the Interstate Commission has its principal offices. The prevailing party shall be awarded all costs of such litigation including reasonable attorney's fees.

C. Dispute Resolution

1. The Interstate Commission shall attempt, upon the request of a member state, to resolve disputes that are subject to the compact and that may arise among member states and between member and non-member states.

2. The Interstate Commission shall promulgate a rule providing for both mediation and binding dispute resolution for disputes as appropriate.

ARTICLE XIV

FINANCING OF THE INTERSTATE COMMISSION

A. The Interstate Commission shall pay, or provide for the payment of the reasonable expenses of its establishment, organization and ongoing activities.

B. The Interstate Commission may levy on and collect an annual assessment from each member state to cover the cost of the operations and activities of the Interstate Commission and its staff that must be in a total amount sufficient to cover the Interstate Commission's annual budget as approved each year. The aggregate annual assessment amount shall be allocated based upon a formula to be determined by the Interstate Commission, which shall promulgate a rule binding upon all member states.

C. The Interstate Commission shall not incur obligations of any kind prior to securing the funds adequate to meet the same; nor shall the Interstate Commission pledge the credit of any of the member states, except by and with the authority of the member state.

D. The Interstate Commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the Interstate Commission shall be subject to the audit and accounting procedures established under its bylaws. However, all receipts and disbursements of funds handled by the Interstate Commission shall be audited yearly by a certified or licensed public accountant and the report of the audit shall be included in and become part of the annual report of the Interstate Commission.

ARTICLE XV

MEMBER STATES, EFFECTIVE DATE AND AMENDMENT

A. Any state is eligible to become a member state.

B. The compact shall become effective and binding upon legislative enactment of the compact into law by no less than ten (10) of the states. The effective date shall be no earlier than December 1, 2007. Thereafter it shall become effective and binding as to any other member state upon enactment of the compact into law by that state. The governors of non-member states or their designees shall be invited to participate in the activities of the Interstate Commission on a non-voting basis prior to adoption of the compact by all states.

C. The Interstate Commission may propose amendments to the compact for enactment by the member states. No amendment shall become effective and binding upon the Interstate Commission and the member states unless and until it is enacted into law by unanimous consent of the member states.

ARTICLE XVI

WITHDRAWAL AND DISSOLUTION

A. Withdrawal

1. Once effective, the compact shall continue in force and remain binding upon each and every member state; provided that a member state may withdraw from the compact specifically repealing the statute, which enacted the compact into law.

2. Withdrawal from this compact shall be by the enactment of a statute repealing the same, and shall take effect upon the effective date of the repealing statute.

3. The withdrawing state shall immediately notify the chairperson of the Interstate Commission in writing upon the introduction of legislation repealing this compact in the withdrawing state. The Interstate Commission shall notify the other member states of the withdrawing state's intent to withdraw within sixty (60) days of its receipt thereof.

4. The withdrawing state is responsible for all assessments, obligations and liabilities incurred through the effective date of the repealing statute.

5. Reinstatement following withdrawal of a member state shall occur upon the withdrawing state reenacting the compact or upon such later date as determined by the Interstate Commission.

B. Dissolution of Compact

1. This compact shall dissolve effective upon the date of the withdrawal or default of the member state that reduces the membership in the compact to one (1) member state.

2. Upon the dissolution of this compact, the compact becomes null and void and shall be of no further force or effect, and the business and affairs of the Interstate Commission shall be concluded and surplus funds shall be distributed in accordance with the bylaws.

ARTICLE XVII

SEVERABILITY AND CONSTRUCTION

A. The provisions of this compact shall be severable, and if any phrase, clause, sentence or provision is deemed unenforceable, the remaining provisions of the compact shall be enforceable.

B. The provisions of this compact shall be liberally construed to effectuate its purposes.

C. Nothing in this compact shall be construed to prohibit the applicability of other interstate compacts to which the states are members.

ARTICLE XVIII

BINDING EFFECT OF COMPACT AND OTHER LAWS

A. Other Laws

Nothing herein prevents the enforcement of any other law of a member state that is not inconsistent with this compact.

B. Binding Effect of the Compact

1. All lawful actions of the Interstate Commission, including all rules and bylaws promulgated by the Interstate Commission, are binding upon the member states.

2. All agreements between the Interstate Commission and the member states are binding in accordance with their terms.

3. In the event any provision of this compact exceeds the constitutional limits imposed on the legislature of any member state, such provision shall be ineffective to the extent of the conflict with the constitutional provision in question in that member state.

History. Acts 2013, No. 146, § 1.

6-4-303. Compact Commissioner for Arkansas.

(a) Under the compact established under this subchapter, the Compact Commissioner for Arkansas shall be the Commissioner of Education or his or her designee.

(b) The Compact Commissioner for Arkansas is responsible for the administration and management of the state participation in the Interstate Compact on Educational Opportunity for Military Children adopted under this subchapter.

(c) The Compact Commissioner for Arkansas shall cooperate with all departments, agencies, and officers of and in government of this state as well as all school districts and political subdivisions of this state for the administration of this compact or supplementary agreements entered into by the state.

History. Acts 2013, No. 146, § 1.

6-4-304. Creation of the State Council.

(a) There is created the State Council for the Interstate Compact on Educational Opportunity for Military Children to be composed of the following members:

(1) The Commissioner of Education or his or her designee, serving as Compact Commissioner for Arkansas as provided under § 6-4-303;

(2) The superintendent of the school district with the greatest number of military children from a military installation;

(3) One (1) member to be appointed by the President Pro Tempore of the Senate from a list of three (3) nominees submitted by the Executive Director of the Arkansas Education Association;

(4) One (1) member to be appointed by the Speaker of the House of Representatives from a list of three (3) nominees submitted by the

Executive Director of the Arkansas Association of Educational Administrators;

(5) One (1) member appointed by the Governor from a list of three (3) nominees submitted by the Arkansas School Boards Association;

(6) The charter school leader of the open-enrollment public charter school with the greatest number of military children from a military installation; and

(7) A representative from a military installation in Arkansas who will serve as a nonvoting, ex officio member.

(b)(1) Each appointed member shall have a background or interest in the education of military children.

(2)(A) The terms for the initial appointees to the council shall be staggered as determined by lot with:

(i) One (1) member serving a term of three (3) years;

(ii) One (1) member serving a term of four (4) years; and

(iii) One (1) member serving a term of five (5) years.

(B) Each succeeding appointment to the council shall be for a term of five (5) years, but the member appointed shall serve until the member's successor is appointed.

(3)(A) If a vacancy occurs in an appointed position for any reason, the vacancy shall be filled by appointment by the official that made the appointment.

(B) The new appointee shall serve for the remainder of the unexpired term.

(c)(1) The council shall meet at least quarterly or as decided upon by a majority of its members.

(2) The council shall conduct its meetings in Pulaski County or via teleconference or web conference as technology becomes available and as desired to allow for scheduling flexibility for its members.

(d)(1) A majority of the members of the council shall constitute a quorum for transacting business of the council.

(2) All actions of the council shall be by a quorum.

(e) The Commissioner of Education or his or her designee serving as Compact Commissioner for Arkansas shall be the chair of the council and be a full-voting member.

(f) Appointments to the council shall be for a term of four (4) years.

(g) All state agencies, school districts, and political subdivisions of the state shall furnish to the council any information and assistance the council may reasonably request.

History. Acts 2013, No. 146, § 1.

6-4-305. Duties of the State Council.

(a) Within thirty (30) days from the date the appointments are initially made, the members of the State Council for the Interstate Compact on Educational Opportunity for Military Children shall appoint a military family education liaison to assist military families and the state in facilitating the implementation of the Interstate Compact

on Educational Opportunity for Military Children adopted under this subchapter.

(b) The council may promulgate rules for the administration of this subchapter.

History. Acts 2013, No. 146, § 1.

6-4-306. Military family education liaison.

(a) The military family education liaison shall be an ex officio member of the State Council for the Interstate Compact on Educational Opportunity for Military Children.

(b) The military family education liaison shall have specialized knowledge related to the educational needs of military children and the obstacles that military children face in obtaining an education.

(c) The military family education liaison shall serve a term of four (4) years.

History. Acts 2013, No. 146, § 1.

6-4-307. Fees.

Under the compact established under this subchapter and using the definitions in the compact:

(1) The minimum fee for a member state is two thousand dollars (\$2,000);

(2) The maximum fee for each member state is two dollars (\$2.00) per student who is a child of an active duty military family; and

(3) The fees paid or owed shall not exceed the amount appropriated for the payment of fees under this compact for each fiscal year by the General Assembly.

History. Acts 2013, No. 146, § 1.

6-4-308. Immunity not affected.

(a) This subchapter shall not affect the immunity from suit granted to state officials and employees under § 19-10-305 or to the state and its official agencies under Ark. Const., Art. 5, § 20.

(b) The exercise of the powers and performance of duties provided for in this subchapter by the Compact Commissioner for Arkansas, the State Council for Arkansas, and the military family education liaison for Arkansas and its officers, agents, and employees are declared to be public and governmental functions, exercised for a public purpose and matters of public necessity, conferring upon each authority governmental immunity from suit in tort.

History. Acts 2013, No. 146, § 1.

CHAPTER 5

MISCELLANEOUS PROVISIONS RELATING TO ELEMENTARY, SECONDARY, AND HIGHER EDUCATION

SUBCHAPTER.

2. HAZING.
3. EDUCATIONAL EXCELLENCE TRUST FUND.
4. HIGHER EDUCATION AWARENESS PROGRAM.
8. HEALTH CARE STUDENT SUMMER ENRICHMENT PROGRAM FOR UNDERREPRESENTED STUDENT POPULATIONS ACT.
9. THE POSITIVE YOUTH DEVELOPMENT GRANT PROGRAM.
10. COLLEGE AND CAREER READINESS STANDARDS FOR CAREER AND TECHNICAL EDUCATION PROGRAMS.
11. COUNCIL ON POSTSECONDARY EDUCATION AND CAREER READINESS.
12. ADVANCED PLACEMENT TRAINING AND INCENTIVE PROGRAM.

SUBCHAPTER 2 — HAZING

SECTION.

- 6-5-201. Definition.
6-5-202. Prohibitions.

6-5-201. Definition.

(a) As used in this subchapter, "hazing" means:

(1) Any willful act on or off the property of any school, college, university, or other educational institution in Arkansas by one (1) student alone or acting with others which is directed against any other student and done for the purpose of intimidating the student attacked by threatening him or her with social or other ostracism or of submitting such student to ignominy, shame, or disgrace among his or her fellow students, and acts calculated to produce such results;

(2) The playing of abusive or truculent tricks on or off the property of any school, college, university, or other educational institution in Arkansas by one (1) student alone or acting with others, upon another student to frighten or scare him or her;

(3) Any willful act on or off the property of any school, college, university, or other educational institution in Arkansas by one (1) student alone or acting with others which is directed against any other student done for the purpose of humbling the pride, stifling the ambition, or impairing the courage of the student attacked or to discourage him or her from remaining in that school, college, university, or other educational institution, or reasonably to cause him or her to leave the institution rather than submit to such acts; or

(4) Any willful act on or off the property of any school, college, university, or other educational institution in Arkansas by one (1) student alone or acting with others in striking, beating, bruising, or maiming; or seriously offering, threatening, or attempting to strike, beat, bruise, or maim; or to do or seriously offer, threaten, or attempt to

do physical violence to any student of any such educational institution; or any assault upon any such student made for the purpose of committing any of the acts, or producing any of the results, to such student as defined in this section.

(b) The term “hazing” as defined in this section:

(1) Does not include customary athletic events or similar contests or competitions; and

(2) Is limited to those actions taken and situations created in connection with initiation into or affiliation with an organization, extracurricular activity, or sports program.

History. Acts 1983, No. 75, § 2; A.S.A. 1947, § 80-5502; Acts 2011, No. 1160, § 1. added the (b)(1) and (b)(2) designations; and added “extracurricular activity, or

Amendments. The 2011 amendment sports program” in (b)(2).

6-5-202. Prohibitions.

(a) A student of any school, college, university, or other educational institution in Arkansas shall not engage in hazing or encourage, aid, or assist any other student in hazing.

(b)(1) No person shall knowingly permit, encourage, aid, or assist any person in committing the offense of hazing, or willfully acquiesce in the commission of such offense, or fail to report promptly his or her knowledge or any reasonable information within his or her knowledge of the presence and practice of hazing in this state to an appropriate administrative official of the school, college, university, or other educational institution in Arkansas.

(2) Any act of omission or commission shall be deemed hazing under the provisions of this subsection (b).

History. Acts 1983, No. 75, §§ 1, 3; A.S.A. 1947, §§ 80-5501, 80-5503; Acts 2009, No. 376, § 1. **Amendments.** The 2009 amendment rewrote (a), making only stylistic changes.

SUBCHAPTER 3 — EDUCATIONAL EXCELLENCE TRUST FUND

SECTION.

6-5-307. Classroom teacher salary requirement.

6-5-307. Classroom teacher salary requirement.

(a) Any increase in Educational Excellence Trust Fund funds allocated for teacher salaries shall be used by school districts to provide salary increases for current licensed personnel positions and for no other purpose, except that required social security and teacher retirement matching required to be paid by the school districts for licensed personnel positions may be paid from the funds.

(b) Educational Excellence Trust Fund funds allocated for teacher salaries shall be disbursed by the Department of Education to school

districts pursuant to the state foundation funding formula under § 6-20-2305.

(c) In determining whether a school district has had an increase in Educational Excellence Trust Fund funds allocated for teacher salaries, any annual increase in such trust funds must exceed the level of the highest year since 1991 to be classified as an increase.

(d) "Salary increase", as used in this section, shall include increments for experience or advanced hours or degrees.

History. Acts 1995, No. 1172, § 2; 1997, No. 1324, § 1; 2001, No. 1456, § 7; 2005, No. 2121, § 20; 2005, No. 2165, § 1; 2013, No. 1138, § 1; 2013, No. 1278, § 1.

by No. 1138, in (a), substituted "licensed" for "certified" twice and inserted "positions".

The 2013 amendment by No. 1278 deleted "not" following "shall" in (d).

Amendments. The 2013 amendment

SUBCHAPTER 4 — HIGHER EDUCATION AWARENESS PROGRAM

SECTION.

6-5-404. Cooperation with program.

6-5-405. [Repealed.]

Effective Dates. Acts 2009, Nos. 605 and 606, § 27: Mar. 25, 2009. Emergency clause provided: "It is found and determined by the General Assembly of the State of Arkansas that the people of the State of Arkansas overwhelmingly approved the establishment of lotteries at the 2008 General Election; that lotteries will provide funding for scholarships to the citizens of this state; that the failure to immediately implement this act will cause a reduction in lottery proceeds that will harm the educational and economic success of potential students eligible to receive scholarships under the act; and that the state lotteries should be implemented as soon as possible to effectuate the will of the citizens of this state and implement lottery-funded scholarships as soon as possible. Therefore, an emergency is declared to exist and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on: (1) The date of its approval by the Governor; (2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or (3) If the bill is vetoed by the

Governor and the veto is overridden, the date the last house overrides the veto."

Acts 2013, No. 969, § 12: Apr. 8, 2013. Emergency clause provided: "It is found and determined by the General Assembly of the State of Arkansas that it is the state's constitutional obligation to provide a general, suitable, and efficient free system of public schools in the state; that the professional development of public school teachers and administrators is critical to the delivery of a constitutionally adequate education; and that this act is immediately necessary for school districts and educators to prepare for the professional development requirements needed for the 2013-2014 school year. Therefore, an emergency is declared to exist, and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on: (1) The date of its approval by the Governor; (2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or (3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto."

6-5-404. Cooperation with program.

(a) The State Board of Education, the Department of Education, and the public schools of Arkansas shall:

(1) Cooperate with the Arkansas Higher Education Coordinating Board, the Department of Higher Education, and the institutions of higher education in providing the information; and

(2) Assist as requested by the Arkansas Higher Education Coordinating Board.

(b) Individual schools shall make special efforts to ensure that as many students and parents or guardians as possible are made aware of the opportunity to receive information, are urged to attend the counseling sessions, and are in receipt of the information packages.

(c) Businesses and industries in Arkansas are hereby requested to provide the opportunity to their employees with children in the eighth grade in public schools in Arkansas to attend the counseling sessions and to cooperate with institutions of higher education in presenting at the work site small group and one-on-one counseling on courses that are required for postsecondary education and postsecondary options and financial requirements and assistance available for postsecondary education.

History. Acts 1993, No. 1256, § 3; 2009, No. 376, § 2.

Amendments. The 2009 amendment, in (a), redesignated the subsection, substi-

tuted “Arkansas Higher Education Coordinating Board” for “department” in (a)(2), and made related changes.

6-5-405. [Repealed.]

Publisher’s Notes. This section, concerning professional development for higher education awareness, was repealed

by Acts 2013, No. 969, § 1. The section was derived from Acts 2009, No. 605, § 5; 2009, No. 606, § 5.

SUBCHAPTER 8 — HEALTH CARE STUDENT SUMMER ENRICHMENT PROGRAM FOR UNDERREPRESENTED STUDENT POPULATIONS ACT

SECTION.

6-5-801. Title.

6-5-802. Intent — Findings.

6-5-803. Arkansas Academic Physician Program.

SECTION.

6-5-804. Health Care Student Summer Enrichment Program for Underrepresented Student Populations.

6-5-801. Title.

This subchapter shall be known and may be cited as the “Health Care Student Summer Enrichment Program for Underrepresented Student Populations Act”.

History. Acts 2009, No. 709, § 1.

6-5-802. Intent — Findings.

(a) This subchapter is intended to ensure academic success and completion of medical, pharmacy, and nursing school by an increasing number of minority students.

(b) The General Assembly finds that:

(1) The healthcare workforce and its ability to deliver quality care for all, including racial and ethnic minorities, can be improved substantially by increasing the proportion of underrepresented United States racial and ethnic minorities among health professionals;

(2)(A) Nationally, African-Americans, Native Americans, Mexican Americans, and Mainland Puerto Ricans make up twenty-five percent (25%) of the United States population.

(B) However, racial and ethnic minority students make up less than eight percent (8%) of practicing physicians and less than five percent (5%) of medical, pharmacy, and nursing school faculties;

(3) Summer enrichment programs have proven to aid in the recruitment and retention of students and faculty in all colleges on the campus of the University of Arkansas for Medical Sciences;

(4) Statistics concerning practicing physicians are as follows:

(A) Practicing physicians in Arkansas, seven thousand eight hundred eighty-nine (7,889);

(B) Practicing African-American physicians in Arkansas, one hundred fifty (150) or one and nine-tenths percent (1.9%) of Arkansas practicing physicians;

(C) An Arkansas majority physician to patient ratio of one (1) majority physician to five hundred seventy (570) persons;

(D) An Arkansas minority physician-to-patient ratio of one (1) physician to three thousand one hundred twenty-five (3,125) persons;

(E) A national physician to patient ratio of one (1) physician to five hundred twenty (520) persons; and

(F) Most minority physicians practice in underserved areas; and

(5) It is necessary for the public health and welfare of Arkansas to create the Health Care Student Summer Enrichment Program for Underrepresented Student Populations Act.

History. Acts 2009, No. 709, § 1.

6-5-803. Arkansas Academic Physician Program.

(a) There is created within the Department of Higher Education the Arkansas Academic Physician Program.

(b) To ensure academic success and completion of medical, pharmacy, or nursing school, the Arkansas Academic Physician Program shall provide academic support for students preparing to matriculate at the University of Arkansas for Medical Sciences.

(c) The program shall offer tutoring, group study, test-taking strategies, and supplemental instruction to promote collegiality and en-

hance the student's ability to master the basic sciences and increase the applicant pool.

(d) The program aims to offer premedical, prepharmacy, and prenursing students in Arkansas from diverse backgrounds the opportunity to engage in a variety of clinical hands-on experiences.

History. Acts 2009, No. 709, § 1.

6-5-804. Health Care Student Summer Enrichment Program for Underrepresented Student Populations.

(a) There is created within the Department of Higher Education the Health Care Student Summer Enrichment Program for Underrepresented Student Populations.

(b) The program is an intensive six-week program targeting undergraduate students designed to:

(1) Increase awareness among racial and ethnic minority undergraduate students of:

(A) Common medical problems in underserved communities; and

(B) Career opportunities in fields of medicine;

(2) Provide participants with a meaningful experience in health related fields; and

(3) Stimulate the interest of racial and ethnic minority undergraduate students in careers in science, medicine, and biomedical research.

(c) The program shall be designed to encourage participation by students of diverse backgrounds.

History. Acts 2009, No. 709, § 1.

SUBCHAPTER 9 — THE POSITIVE YOUTH DEVELOPMENT GRANT PROGRAM

SECTION.

6-5-901. Legislative Intent — Findings.

6-5-902. Definitions.

6-5-903. Establishment — Participation.

6-5-904. Applications process — Allocation of funding.

SECTION.

6-5-905. Criteria for need-based funding.

6-5-906. Evaluation.

6-5-901. Legislative Intent — Findings.

(a) It is the intent of the General Assembly to expand the availability of positive youth development programs that incorporate the standards and recommendations of the Governor's Task Force on Best Practices for After-School and Summer Programs including without limitation:

(1) School-based and school-linked afterschool and summer programs;

(2) 21st Century Community Learning Centers;

(3) Boys and Girls Clubs;

(4) YMCAs;

(5) 4-H Clubs; and

(6) School-Age Care programs.

(b) The General Assembly finds that:

(1) Positive youth development programs:

(A) Support working families by ensuring their children and youth are safe and productive during out-of-school time;

(B) Build strong communities by involving students, parents, business leaders, and adult volunteers in the lives of young people in positive and productive activities, including tutoring, games, and activities designed to improve math and literacy skills;

(C) May include community-based service and other experiences that offer rich and varied academic support and build workforce skills critical to employment and future economic success; and

(D) Provide safe, challenging, engaging, and supervised learning experiences that help children and youth develop their educational, social, emotional, and physical skills where the assets and strengths of youth are emphasized rather than problems or deficits; and

(2) Students participating in positive youth development programs:

(A) Have higher daily school attendance;

(B) Report higher aspirations toward finishing school and going to college;

(C) Have fewer discipline problems;

(D) Show significant gains in standardized test scores;

(E) Are more likely to have a positive view of themselves and their hope for the future;

(F) Cultivate positive bonds with people and institutions that are reflected in their exchange with peers, family, school, and community; and

(G) Are far less likely to use drugs and alcohol, have contact with police and the juvenile court system, or engage in sexual activity and other harmful or risky behaviors.

History. Acts 2011, No. 166, § 1.

6-5-902. Definitions.

As used in this subchapter:

(1) “Grant” means a Positive Youth Development Grant;

(2) “Positive youth development program” means a developmentally appropriate learning experience that helps children and youth five (5) through nineteen (19) years of age develop educational, social, emotional, and physical skills during out-of-school time; and

(3) “Program” means a positive youth development program that is license-exempt or approved by the Department of Education as complying with the Out-of-School Time Licensing Standards as adopted by the Division of Child Care and Early Childhood Education.

History. Acts 2011, No. 166, § 1.

6-5-903. Establishment — Participation.

(a)(1) The Department of Education shall establish the Positive Youth Development Grant Program to assist in the establishment and funding of positive youth development programs for children and youth five (5) through nineteen (19) years of age once funding is available.

(2) The department, with the advice and assistance of the Division of Child Care and Early Childhood Education, shall develop rules necessary for the implementation of this subchapter.

(b) Participation in a positive youth development program shall be voluntary for:

(1) Public school districts; and

(2) Parents or guardians of children and youth five (5) through nineteen (19) years of age.

History. Acts 2011, No. 166, § 1.

6-5-904. Applications process — Allocation of funding.

(a)(1) A public school district, licensed youth development program, license-exempt youth development program, or an applicant that partners with a public school district, licensed youth development program, or license-exempt youth development program may apply for a Positive Youth Development Grant.

(2) A program is not required to be affiliated with a school district to be eligible to receive funding under this section.

(b) Each applicant for a positive youth development grant shall:

(1) Complete and submit the appropriate application developed by the Department of Education in collaboration with the Division of Child Care and Early Childhood Education;

(2) Submit documentation of strong community engagement and collaboration between schools, public institutions, private agencies, business, faith-based, and other community-based organizations working together to utilize the unique skills and resources to create a community learning environment; and

(3)(A) Provide matching funds in the ratio of twenty-eighty (20:80), unless the applicant is granted a waiver by the division.

(B) The division may waive the required matching funds if:

(i) The applicant operates or will operate the program within the geographic boundaries of a public school district that contains at least one (1) school in school improvement, as designated by the Department of Education; and

(ii) The division determines that the applicant is unable to provide the matching funds, after exhausting all potential funding sources.

(C) The matching funds may consist of cash or appropriate in-kind services.

(c) Preference shall be given to applications that:

(1) Are developed collaboratively by public and nonpublic schools and private community based programs;

(2) Contain accountability systems and measurable outcomes under guidelines developed by the department in consultation with the division;

(3) Detail funds received from all public sources for existing programs, the types of existing programs, and the types of students served by existing programs; and

(4) Increase comprehensive positive youth development programs during the school year and summer.

(d)(1) If the number of qualified applicants exceed the amount of available funding the department, after consultation with the Arkansas Early Childhood Commission, shall determine funding distribution.

(2) If there is a funding shortage, priority consideration shall be given to programs in communities where:

(A) A public school district has fifty percent (50%) or more students eligible for free and reduced lunches; and

(B) A public school district has been designated by the department as being in school improvement.

(e)(1) Grants shall be a three-year award to be distributed annually, as determined by the division.

(2) Grants may be renewable for positive youth development programs that meet adequate performance levels as developed by the department.

(3) Grants are subject to the availability of funds each fiscal year.

(f) Grant funds may be used for:

(1) Services that include children and youth with disabilities in programs that also serve nondisabled children and youth;

(2) Services that include children and youth where English is a second language;

(3) Technical assistance and planning to assist communities seeking to establish quality youth development programs by building community collaboration and partnerships; and

(4) A variety of activities including without limitation:

(A) Academic supports and skill-building activities that link program content to the frameworks promulgated by the department;

(B) Activities that improve the health and wellness of children and youth, including physical activities, nutrition and health education, and safety;

(C) Art, theater, and music programs developed in collaboration with local arts or cultural programs;

(D) Activities that address cultural diversity and inclusion;

(E) Service learning or community service experiences;

(F) Workforce development activities that link academic curriculum to actual work experiences;

(G) Leadership development, mentoring, and other services to disconnected youth;

(H) Enrichment activities not otherwise provided during the school day; and

(I) Family and community engagement.

History. Acts 2011, No. 166, § 1.

6-5-905. Criteria for need-based funding.

(a) Children and youth five (5) through nineteen (19) years of age who are members of a family with a gross family income not exceeding two hundred percent (200%) of the federal poverty guidelines are eligible to attend a positive youth development program without cost if there is:

(1) A positive youth development program available in the community where the child resides; and

(2) Available space for the child to attend the program.

(b) The Department of Education and the Division of Child Care and Early Childhood Education may develop a fee schedule and establish eligibility based on family income for children and youth five (5) through nineteen (19) years of age who are not eligible under subsection (a) of this section.

(c) The department and the division shall review criteria for identifying and targeting the areas of the state with the greatest need for programs.

(d) The State Board of Education, with the advice and assistance of the division, shall adopt the appropriate criteria for identifying children and youth five (5) through nineteen (19) years of age with the greatest need to participate in programs funded by the grant.

History. Acts 2011, No. 166, § 1.

6-5-906. Evaluation.

(a) The Division of Child Care and Early Childhood Education shall be responsible for evaluating the impacts of the Positive Youth Development Grant Program.

(b)(1) The division shall provide grant recipients with technical assistance, evaluation, program monitoring, and professional development.

(2) The division may retain up to four percent (4%) of the amount appropriated for the Positive Youth Development Grant Program for this purpose.

(c)(1) Program evaluation and outcome measures shall be incorporated into the application and award procedure rules adopted by the division.

(2) Outcome measures shall include without limitation:

(A) Student achievement and academic skills;

(B) School engagement;

(C) Social, emotional, and behavioral development;

(D) Health and wellness; and

(E) Reduced contact with the judicial system.

(d) A minimum of one (1) time each year the division shall report its findings and recommendations concerning the Positive Youth Development Grant Program and technical assistance provided to the Gover-

nor, the President Pro Tempore of the Senate, the Speaker of the House of Representatives, the House Committee on Education, and the Senate Committee on Education.

History. Acts 2011, No. 166, § 1.

SUBCHAPTER 10 — COLLEGE AND CAREER READINESS STANDARDS FOR CAREER AND TECHNICAL EDUCATION PROGRAMS

SECTION.

6-5-1001. Findings.

6-5-1002. Career and technical education
program of study.

SECTION.

6-5-1003. College and career readiness
program standards.

6-5-1004. Technical skills assessments.

6-5-1001. Findings.

The General Assembly finds that:

(1) Many Arkansas high school students are unprepared for the academic rigor of college or to enter the career world of work upon graduation from high school;

(2) A student who is academically prepared for college or to enter the career world upon graduation from high school is more likely to have greater economic success in his or her lifetime;

(3) Rigorous college and career readiness program standards that define what a student is expected to know and be able to do to achieve success in college or a career are consistent with the goals of Arkansas educational agencies and are critical to Arkansas's economy; and

(4)(A) Innovative and creative instructional approaches that enable teachers to integrate academic, career, and technical instruction are necessary to ensure effectiveness.

(B) A career and technical education program of study shall provide sustained, intensive, and focused professional development opportunities that ensure that teachers have the necessary content knowledge to align and integrate curriculum and instruction.

History. Acts 2011, No. 743, § 1.

6-5-1002. Career and technical education program of study.

(a) As used in this subchapter, "career and technical education program of study" means a planned program of courses and learning experiences that:

(1) Begins with the exploration of career options;

(2) Supports basic academic and life skills; and

(3) Enables achievement of:

(A) High academic standards;

(B) Leadership; and

(C) High skill, high wage employment preparation, and advanced continuing education.

(b)(1) All public school students shall be provided a rigorous career and technical education program of study that links secondary educa-

tion and postsecondary education and combines academic and technical education in a structured sequence of courses that progresses from broad foundation skills to occupationally specific courses.

(2) A student may earn postsecondary credits for career and technical education program of study courses that lead to a postsecondary credential, certificate, or degree.

History. Acts 2011, No. 743, § 1.

6-5-1003. College and career readiness program standards.

(a)(1) The Department of Career Education shall work in collaboration with the Department of Education and the Department of Higher Education to develop college and career readiness program standards for career and technical education program of study courses.

(2) College and career readiness program standards shall address the importance of rigorous academic standards and the role rigorous academic standards have in higher education.

(b) The college and career readiness program standards for career and technical education program of study courses shall incorporate consistent framework to promote sustainability of career and technical education programs of study, including:

(1) Legislation, local resources, and administrative policies that promote career and technical education program of study development and implementation within a school district;

(2) Partnerships with educators, businesses, and other community stakeholders that support career and technical education program of study design, implementation, and maintenance;

(3) Sustained, intensive, and focused professional development opportunities for administrators, teachers, and faculty that foster career and technical education program of study design, implementation, and maintenance;

(4) Accountability and evaluation systems and strategies that gather quantitative and qualitative data on both career and technical education program of study components and student outcomes to determine the effectiveness of each program;

(5) Clear content standards that:

(A) Define what a student is expected to know and what the student should be able to do to achieve success in college or in a career; and

(B) Align and integrate curriculum and instruction;

(6)(A) Sequences of secondary and postsecondary career and technical education program of study courses that help students transition to postsecondary education without requiring duplicate classes or remedial education.

(B) The Department of Career Education shall work with the Department of Education and the Department of Higher Education to establish a common course numbering system that incorporates career and technical education program of study courses at both the secondary and postsecondary level;

(7) Formal credit transfer agreements between secondary schools and postsecondary institutions of higher education;

(8) Comprehensive guidance counseling and academic advisory systems that:

(A) Enable students to make informed decisions about which program of study to pursue;

(B) Are based on state or local guidance and counseling standards, for example, the National Career Development Guidelines;

(C) Ensure that guidance counselors and academic advisors have current information about career and technical education programs of study;

(D) Offer information and tools to help students learn about postsecondary education and career options, including prerequisites that may be required;

(E) Provide resources for students to identify career interests and aptitudes and to select an appropriate career and technical education program of study based on the results;

(F) Provide information for parents, including workshops on college financial aid and applications, preparing students for college and college applications, and preparing students for careers; and

(G) Provide web-based resources and tools for obtaining student financial assistance;

(9) Innovative and creative instructional approaches that enable teachers to integrate academic, career, and technical instruction; and

(10) Valid and reliable technical skills assessments that provide ongoing information on whether or not a student is attaining the necessary knowledge and skills needed for entry into postsecondary education or a career in his or her selected career and technical education program of study.

History. Acts 2011, No. 743, § 1.

6-5-1004. Technical skills assessments.

(a) The Department of Career Education shall provide valid and reliable technical skills assessments that provide information on whether or not a student is attaining the necessary knowledge and skills needed for entry into postsecondary education or a career in his or her selected career and technical education program of study.

(b) The technical skills assessment shall:

(1) Be a third-party assessment recognized by industry or an assessment developed or approved by the department that is based on industry standards;

(2) Measure student attainment of technical skill proficiencies at multiple points during a student's career and technical education program of study;

(3)(A) Incorporate performance-based assessment items where a student demonstrates the application of his or her knowledge and skills, to the extent possible.

(B) A student who successfully completes a performance-based assessment may receive a secondary credit, postsecondary credit, or special designation on his or her high school diploma; and

(4)(A) Be used as a tool to evaluate the quality of career and technical education programs of study in secondary schools.

(B) The department may provide technical assistance on career and technical education programs of study to secondary schools.

History. Acts 2011, No. 743, § 1.

SUBCHAPTER 11 — COUNCIL ON POSTSECONDARY EDUCATION AND CAREER READINESS

SECTION.

6-5-1101. Legislative intent.

6-5-1102. Council on Postsecondary Education and Career Readiness established — Membership — Meetings.

SECTION.

6-5-1103. Powers and duties.

6-5-1104. Reporting requirements.

6-5-1101. Legislative intent.

The General Assembly finds that:

(1) Public schools should help all students:

(A) Have the reading, writing, and mathematics skills needed to succeed in all first-year coursework in associate and baccalaureate degree programs in non-mathematics-based majors; and

(B) Be ready for as many career options as possible by having a base level of employability; and

(2) The development of college and career readiness standards should be undertaken as an integrative process among:

(A) The legislature;

(B) State agencies that regulate and support the public educational systems of the state;

(C) Kindergarten, elementary, secondary, and postsecondary educational institutions; and

(D) The public.

History. Acts 2013, No. 585, § 1.

6-5-1102. Council on Postsecondary Education and Career Readiness established — Membership — Meetings.

(a) This subchapter establishes the Council on Postsecondary Education and Career Readiness to facilitate the collaboration of kindergarten, elementary, secondary, and postsecondary educational institutions in Arkansas in developing college and career readiness standards that align school curriculum and graduation standards with postsecondary education requirements and business community expectations for employability.

(b) The council shall consist of twelve (12) members as follows:

- (1) The Commissioner of Education or his or her designee;
 - (2) The Director of the Department of Higher Education or his or her designee;
 - (3) The Director of the Department of Career Education or his or her designee;
 - (4) The Director of the Arkansas Economic Development Commission or his or her designee;
 - (5) The President of the Arkansas Science and Technology Authority or his or her designee;
 - (6) The Director of the Department of Workforce Services or his or her designee;
 - (7) A president or chancellor of an Arkansas four-year institution of higher education or his or her designee, appointed annually by the Director of the Department of Higher Education;
 - (8) The Executive Director of the Arkansas Association of Educational Administrators or his or her designee;
 - (9) The Executive Director of the Arkansas Association of Two-Year Colleges or his or her designee;
 - (10) The Executive Director of the Arkansas Education Association or his or her designee;
 - (11) The Executive Director of the Arkansas School Boards Association or his or her designee; and
 - (12) The President of the Arkansas State Chamber of Commerce and the Associated Industries of Arkansas or his or her designee.
- (c)(1) The Commissioner of Education or his or her designee shall call the first meeting of the council and serve as chair for the first meeting.
- (2) The first meeting shall occur within thirty (30) days of the effective date of this subchapter.
- (d) At the first meeting of the council and annually thereafter, the voting members of the council shall elect one (1) member to serve as chair for one (1) year.
- (e)(1) All members are voting members except the chair, who may vote only to break a tie vote.
- (2) A majority of the members shall constitute a quorum for the transaction of business.
- (f) The council shall meet at least three (3) times in a calendar year.
- (g) The Department of Education, Department of Higher Education, and Department of Career Education, alternating each year, shall provide meeting space and staff for the council.
- (h) Council members shall serve without pay and shall not receive expense reimbursement except from the agency or institution employing the member.

History. Acts 2013, No. 585, § 1.

6-5-1103. Powers and duties.

(a) The Council on Postsecondary Education and Career Readiness shall:

(1) Develop a unified strategy to:

(A) Reduce remediation rates among high school graduates entering postsecondary education by at least fifty percent (50%) by the year 2020; and

(B) Increase postsecondary graduation and completion rates;

(2)(A) Support college and career readiness standards that:

(i) Require higher performance levels than those currently required for high school graduation; and

(ii) Promote accelerated learning opportunities, including without limitation Advanced Placement courses, concurrent credit opportunities, and other accelerated opportunities with college or vocational-technical school assistance to ensure that all students have the skills to be successful in either employment or postsecondary education.

(B) College and career readiness standards shall be implemented with the understanding that until July 1, 2022, interim high school graduation standards may be used until the high school graduation standards adopted by the State Board of Education are equal to the college and career readiness standards;

(3) Develop a successful transition-to-work matrix that schools and students may use to help students develop employment skills;

(4) Develop guidelines for secondary school intervention programs and transitional courses;

(5) Develop guidelines for professional development for teachers of transitional courses and opportunities for collaboration among high school, vocational-technical school, and college faculty to ensure that transitional courses target gaps in students' college and career readiness skills; and

(6) Provide the reports required under this subchapter.

(b)(1) The council shall establish working groups of its members, or staff of the agencies or institutions employing the members, to direct the planning process and strategic implementation of its plans.

(2) The working groups shall:

(A) Develop goals and action plans;

(B) Identify resources; and

(C) Determine expected outcomes to measure for each strategy promoting college and career readiness and postsecondary completion.

History. Acts 2013, No. 585, § 1.

6-5-1104. Reporting requirements.

(a) By June 30, 2014, the Council on Postsecondary Education and Career Readiness shall:

- (1) Develop a written plan to reduce remediation rates and increase postsecondary graduation rates, including without limitation:
- (A) Annual goals;
 - (B) Action strategies;
 - (C) Assigned responsibilities for implementing strategies;
 - (D) Timelines; and
 - (E) Reporting mechanisms;
- (2) Provide the written plan to:
- (A) The House Committee on Education and the Senate Committee on Education;
 - (B) The board of directors of each school district and open-enrollment charter school in this state; and
 - (C) The governing board of each state-supported institution of higher education in this state; and
- (3) Encourage each school district board of directors and the governing board of each state-supported institution of higher education in the state to participate in the council’s plan and to work collaboratively to reduce the remediation rates and further postsecondary graduation and completion rates.
- (b) By June 30, 2015, and annually thereafter, the council shall report to the House Committee on Education and the Senate Committee on Education:
- (1) The progress of the council’s work for the year; and
 - (2) Its recommendations, which may include without limitation proposals for legislative action.

History. Acts 2013, No. 585, § 1.

SUBCHAPTER 12 — ADVANCED PLACEMENT TRAINING AND INCENTIVE PROGRAM

| SECTION. | SECTION. |
|---|---|
| 6-5-1201. Established. | Training and Incentive Program. |
| 6-5-1202. Purpose of the Advanced Placement Training and Incentive Program — Grant funding. | 6-5-1204. Participation in the Advanced Placement Training and Incentive Program. |
| 6-5-1203. Components and goals of the Advanced Placement | |

6-5-1201. Established.

There is established the Advanced Placement Training and Incentive Program.

History. Acts 2013, No. 625, § 1.

6-5-1202. Purpose of the Advanced Placement Training and Incentive Program — Grant funding.

(a) The purpose of the Advanced Placement Training and Incentive Program is to:

- (1) Prepare more students for:
 - (A) Success in higher education;
 - (B) Postsecondary training; and
 - (C) Careers in science, technology, engineering, and mathematics;
- (2) Increase the number of students who graduate from institutions of higher education; and
- (3) Support and enhance Advanced Placement initiatives already operating in the state.

(b)(1) The Department of Education shall provide grant funding to organizations that implement measures to achieve the goals of the Advanced Placement Training and Incentive Program.

(2) An organization that receives grant funding to implement the Advanced Placement Training and Incentive Program under this subchapter shall:

- (A) Be affiliated with the National Math and Science Initiative; and
 - (B) Have demonstrated success with an Advanced Placement Training and Incentive Program.
- (3) An organization that receives grant funding to provide the Advanced Placement Training and Incentive Program may:
- (A) Develop public-private partnerships to advance math and science learning opportunities;
 - (B) Generate revenue from public or private sector entities to support other opportunities; or
 - (C) Accept grants, donations, gifts, or bequests.
- (c) Grant funding provided by the department to an organization under this subchapter shall be used to:

- (1) Support and enhance the Advanced Placement Training and Incentive Program;
- (2) Pay for personal services and operating expenses required to carry out the Advanced Placement Training and Incentive Program; and
- (3) Pay for technology, materials, and other resources used in the Advanced Placement Training and Incentive Program.

History. Acts 2013, No. 625, § 1.

6-5-1203. Components and goals of the Advanced Placement Training and Incentive Program.

- (a) The Advanced Placement Training and Incentive Program shall:
- (1) Provide advanced placement content directors to work, mentor, and provide resources to advanced placement and pre-advanced placement teachers in the areas of:

- (A) Mathematics;
- (B) Science; and
- (C) English;

(2) Provide nationally recognized professional development for advanced placement and pre-advanced placement teachers that will enhance the knowledge and pedagogical skills of the teachers; and

(3) Develop and provide materials and resources for advanced placement and pre-advanced placement teachers.

(b) The overall goal of the Advanced Placement Training and Incentive Program is to:

(1) Increase the number of students enrolled in Advanced Placement mathematics, science, and English;

(2) Increase the number of students who score three (3) or more on Advanced Placement exams;

(3) Reduce the participation gaps and performance gaps in Advanced Placement classes between African-American, Hispanic, and Caucasian students;

(4) Help public high schools develop strong and successful Advanced Placement programs;

(5) Enhance and augment Advanced Placement policies and initiatives in Arkansas;

(6) Provide Advanced Placement Training and Incentive Programs in every public high school that elects to participate and strengthen its Advanced Placement program; and

(7) Increase the number of students prepared to enter science, technology, engineering, and mathematics fields in higher education or related training and occupations.

History. Acts 2013, No. 625, § 1.

6-5-1204. Participation in the Advanced Placement Training and Incentive Program.

(a) A public high school is eligible to participate in the Advanced Placement Training and Incentive Program.

(b)(1) A public high school that chooses to participate in the Advanced Placement Training and Incentive Program shall pay a participation and service fee determined by the organization.

(2) A public high school may choose either to fully participate in the Advanced Placement Training and Incentive Program or to participate on a limited basis, in which case the public high school shall pay a fee for each service the public high school elects to use.

(c) An organization that receives grant funding to provide the Advanced Placement Training and Incentive Program shall publish a list of program fees on or before June 1 each year.

History. Acts 2013, No. 625, § 1.

SUBTITLE 2. ELEMENTARY AND SECONDARY EDUCATION GENERALLY

CHAPTER 10

GENERAL PROVISIONS

SECTION.

6-10-106. Uniform dates for beginning and end of school year.

6-10-114. Unlawful to discriminate — Penalties.

6-10-115. Period of silence.

6-10-121. Tornado safety drills.

6-10-122. Automated external defibrillators required.

SECTION.

6-10-123. School-based automated external defibrillator and cardiopulmonary resuscitation programs.

6-10-124. Updating of school policies.

6-10-125. School district floor plan on file with emergency management coordinator.

A.C.R.C. Notes. Acts 2013, No. 1326, § 1, provided:

“(a) The General Assembly finds that:

“(1) The children of Arkansas are our future and will provide leadership, creativity, and productivity to strengthen and sustain the quality of life in our communities;

“(2) ASCD, founded as the Association for Supervision and Curriculum Development, launched the Whole Child Initiative in 2007 and has since been joined by seventy (70) leading education, health, arts, and civic organizations to advance the Whole Child Initiative;

“(3) The Eighty-Seventh Arkansas General Assembly unanimously passed a joint resolution in support of the Arkansas Association of Supervision and Curriculum Development Whole Child Initiative to ensure that all Arkansas children are safe, healthy, engaged, supported, and intellectually stimulated;

“(4) Each Arkansas community should ensure that our children have comprehensive community support to realize their whole potential to experience the fullness of life through high-quality access to the following tenets:

“(A) Healthy options;

“(B) Safety;

“(C) Active engagement;

“(D) Adult support; and

“(E) An intellectually stimulating environment; and

“(5) Whole Child communities should be recognized and applauded for their

work to engage the entire community in support of the whole child.

“(b) The purpose of the Whole Child — Whole Community Initiative is to:

“(1) Track how well educators, parents, other community members, and state and local policy makers are meeting the comprehensive needs of Arkansas children at each stage of a child’s development from birth to postsecondary education or career;

“(2) Provide a fuller picture of the well-being of Arkansas children that extends well beyond test scores, school and school district labels, graduation rates, and other stand-alone descriptions;

“(3) Evaluate the relationship of the whole community’s social and economic determinants to the successful development of the whole child; and

“(4) Help create pathways and opportunities to spur systemic cooperation, collaboration, and coordination within and beyond schoolhouse doors and promote a shift from the narrowly defined student achievement and traditional education reform to broader, more comprehensive efforts that recognize:

“(A) Crucial out-of-school factors that influence teaching and learning; and

“(B) Arkansas’s progress in supporting the full potential of its students with a whole-child approach.

“(c) There is established a Whole Child — Whole Community Recognition Working Group to create a framework for recognizing community and state efforts to

ensure all children receive comprehensive support of the whole community by highlighting the work of:

- “(1) Educators;
- “(2) Parents and community members; and
- “(3) Policymakers, elected and appointed.
- “(d) The working group shall consist of:
 - “(1) Two (2) parents appointed by the Arkansas Parent Teacher Association;*
 - “(2) Two (2) persons appointed by the President of the Arkansas Association for Supervision and Curriculum Development;
 - “(3) Two (2) educators appointed by the Arkansas Education Association;
 - “(4) Two (2) educators appointed by the Arkansas Association of Educational Administrators;
 - “(5) One (1) person representing early childhood education appointed by the Director of the Department of Human Services;
 - “(6) Two (2) members who are directors of two (2) different school districts appointed by the Arkansas School Boards Association;
 - “(7) Two (2) persons representing charitable foundations:
 - “(A) One (1) who is appointed by the chair of the Senate Committee on Education; and
 - “(B) One (1) who is appointed by the chair of the House Committee on Education;
 - “(8) Two (2) persons representing grassroots advocacy groups:
 - “(A) One (1) who is appointed by the chair of the Senate Committee on Education; and
 - “(B) One (1) who is appointed by the chair of the House Committee on Education;
 - “(9) Two (2) persons who are city or county policy-makers appointed by the Arkansas Municipal League;
 - “(10) Two (2) members of the Arkansas General Assembly:
 - “(A) One (1) who is appointed by the chair of the Senate Committee on Education; and
 - “(B) One (1) who is appointed by the chair of the House Committee on Education;
 - “(11) The President of the Arkansas State Chamber of Commerce, or his or her designee;

“(12) The President of the Arkansas American Federation of Labor and Congress of Industrial Organizations, or his or her designee;

“(13) The Commissioner of Education, or his or her designee;

“(14) The Director of the Department of Higher Education, or his or her designee; and

“(15) The Director of the Arkansas Economic Development Commission, or his or her designee.

“(e) State agencies shall provide assistance or as ex-officio members for the working group upon the working group's request or upon the request of the state agency, including without limitation:

- “(1) Department of Rural Services;
- “(2) Arkansas Planning and Development Districts;
- “(3) Department of Health;
- “(4) Local law enforcement agencies;
- “(5) Department of Arkansas State Police;
- “(6) The University of Arkansas for Medical Sciences School of Public Health;
- “(7) Department of Parks and Tourism; and
- “(8) Arkansas State Game and Fish Commission.

“(f)(1) By September 1, 2013, the Commissioner of Education, or his or her designee, shall call the first meeting of the working group.

“(2) At the first meeting, the working group shall elect a chair by majority vote.

“(3) All changes in working group chairmanship shall be decided by majority vote of the working group.

“(g)(1) The working group shall meet at the times that the chair deems necessary but not less than four (4) times per year.

“(B) All meetings shall take place in Little Rock unless the working group votes to select another city.

“(2) A simple majority of the working group shall constitute a quorum for the purpose of transacting business.

“(3) All actions of the working group are by quorum.

“(h) The Bureau of Legislative Research shall staff the working group.

“(i) All members of the working group may receive expense reimbursement as provided under § 25-16-902 to be paid by the Department of Education if funds are available.

"(j)(1) The working group shall recommend to the Ninetieth Arkansas General Assembly a process and procedures for application, evaluation, and recognition of exemplary Whole Child — Whole Community successes.

"(2) The process and procedures may allow for:

"(A) Solicitation of communities to participate in the Whole Child — Whole Community initiative, but participation by a community is voluntary; and

"(B) An individual citizen of Arkansas to nominate a community for recognition.

"(k) In developing its recommendations, the working group shall consider the following indicators for educators, parents, community members, and legislators in each of the five (5) tenets:

"(1)(A) Each student enters school healthy and learns about and practices a healthy lifestyle.

"(B) Under this tenet of healthy options, the indicators are that:

"(i) Educators:

"(a) Establish a school health advisory council with students, family, community, and business members;

"(b) Provide elementary and middle school students with a daily recess that is at least twenty (20) minutes in duration;

"(c) Provide quality instruction in health and physical education that addresses the physical, mental, emotional, and social dimensions of health as well as lifetime fitness knowledge, attitudes, behaviors, and skills;

"(d) Facilitate students' access to health, mental health, and dental services;

"(e) Reinforce healthy eating patterns by offering students nutritious and fresh food choices as part of both routine food services, and special programming and events;

"(f) Offer opportunities for elementary, middle, and high school students of all abilities to participate in a wide variety of intramural and extracurricular activities that provide them with positive physical, social, and emotional experiences; and

"(g) Integrate movement into lessons and across the school day;

"(ii) Parents and community members:

"(a) Ensure that children receive immunizations and are routinely screened for vision, hearing, dental, speech, and orthopedic concerns.

"(b) Take children to preventive medical and dental care visits on a regular basis;

"(c) Ensure that school-age children accumulate at least sixty (60) minutes of age-appropriate physical activity every day;

"(d) Expose children to a variety of sports and physical activity experiences offered through the school and community;

"(e) Maintain and promote the communities' sports and recreation programming, green spaces, community gardens, and farmers markets, ensuring that underserved families in the community have access to them;

"(f) Encourage walking or biking to and from school; and

"(g) Collaborate with schools to ensure free and low-cost community health services are offered to the students and families who need them; and

"(iii) Policy-makers:

"(a) Support school-based health clinics, particularly in underserved areas, that provide necessary and convenient health services to students, their families, and the community;

"(b) Promote a well-rounded curriculum that includes physical and health education as part of the core academics that every student should master before they graduate;

"(c) Facilitate connections between schools and community-based health services, beginning with collaboration between the Department of Education and the Department of Health; and

"(d) Support community health initiatives, resources, and programming that help to instill healthy habits in children and families;

"(2)(A) Each student learns in an environment that is physically and emotionally safe for students and adults.

"(B) Under this tenet of safety, the indicators are that:

"(i) Educators:

"(a) Model and provide opportunities for students to practice social-emotional skills, including effective listening, conflict resolution, problem solving, personal reflection and responsibility, respect for individual differences, and ethical decision making;

"(b) Consistently reinforce school and classroom expectations, rules, and rou-

tines and work with families to teach students how to manage their own behavior;

“(c) Establish a classroom and school climate where everyone feels safe and that is conducive to teaching and learning;

“(d) Establish a bullying-prevention program and reporting system and promote these anti-bullying efforts among students, staff, families, and community members;

“(e) Get to know students and connect students to necessary community services when they are struggling with substance abuse, homelessness, or family violence; and

“(f) Establish a positive school climate that is friendly and student-centered, ensuring that students and staff feel valued, respected, cared for, and motivated to learn;

“(ii) Parents and community members:

“(a) Work within the community to provide children with safe transportation to and from school, including chaperoning bus stops and establishing safe walking routes;

“(b) Know Arkansas’s anti-bullying law and the school’s anti-bullying and anti-harassment policies, including how to report bullying incidents;

“(c) Monitor children’s use of social networking sites and establish appropriate security settings on a family’s computers and other electronic devices;

“(d) Encourage school and community organizations to provide safe, chaperoned activities for students before and after school; and

“(e) Collaborate with homeowners’ associations, neighborhood watches, municipal services, park authorities, faith-based institutions and other community organizations to ensure neighborhoods, parks, and other public spaces are clean, well-lit, and well-maintained;

“(iii) Policy-makers:

“(a) Establish anti-bullying legislation that specifically defines incidents of intimidation, bullying, and harassment and requires schools to develop anti-bullying policies;

“(b) Establish social-emotional learning and character development programs;

“(c) Support before- and after-school programming that provides students with safe places to extend their learning and to interact with peers; and

“(d) Facilitate connections between schools and community-based recreational offerings and social services;

“(3)(A) Each student is actively engaged in learning and is connected to the school and broader community.

“(B) Under this tenet of active engagement, the indicators are that:

“(i) Educators:

“(a) Develop student-centered academic plans and a process for students to provide input on these plans throughout their academic careers;

“(b) Use active learning strategies, such as cooperative learning and project-based learning;

“(c) Include students in schoolwide decision making and governance;

“(d) Offer students academic credit for hands-on, community-based learning opportunities and provide flexible scheduling that allows students to participate in these opportunities during the school day;

“(e) Partner with the community to offer students a full complement of extra-curricular, cocurricular, and after-school activities as well as service-learning opportunities that incorporate community experiences and reflect students’ interests and goals;

“(f) Allow time and space for student discussions; and

“(g) Promote the development of student-led initiatives;

“(ii) Parents and community members:

“(a) Limit television viewing and video game use to no more than two hours per day, instead encouraging children to participate in extracurricular activities or volunteer experiences in which they are interested;

“(b) Ask children’s teachers and principals what they do to make classroom learning relevant and engaging for students;

“(c) Ensure that children attend school regularly, and ask what they learned or did each day, such as the best thing, funniest moment, new activity;

“(d) Collaborate with schools, neighborhoods, homeowners’ associations, businesses, and other community institutions to provide students with experiential learning opportunities, such as service learning, internships, and apprenticeships with local businesses; and

“(e) Provide children with age-appropriate decision making opportunities at

home and increase children's household responsibilities; and

"(iii) Policy-makers:

"(a) Require schools, school districts, and communities to measure and report activities and outcomes related to student and family engagement, such as volunteer rates, parent-involvement data, and participation in after-school programming, community-based learning opportunities, and extracurricular activities; and

"(b) Recognize and reward schools and communities that offer students rich and relevant real-world learning experiences;

"(4)(A) Each student has access to personalized learning and is supported by qualified, caring adults.

"(B) Under this tenet of adult support, the indicators are that:

"(i) Educators:

"(a) Make sure each student is well-known by at least one (1) adult in the school, such as an advisor or mentor;

"(b) Provide each student with access to school counselors, social workers, and structured academic, social, and emotional support systems;

"(c) Personalize learning, including the flexible use of time and scheduling to meet academic and social goals for each student;

"(d) Welcome and include all families as partners in their children's education, helping them to understand available services, advocate for their children's needs, and support their children's learning; and

"(e) Participate in ongoing, relevant professional development that enhances the educator's ability to deliver differentiated instruction that meets students' varying academic and social-emotional needs;

"(ii) Parents and community members:

"(a) Talk with children for at least fifteen (15) minutes each day, communicating openly and encouraging them to share their successes, thoughts, and concerns;

"(b) Partner with children's school to support children's academic goals and to give extra help where needed;

"(c) Attend parent-teacher conferences and volunteer at the school;

"(d) Monitor children's performance over time and take an active role in their progress; and

"(e) Get to know children's teachers, coaches, and other adult mentors and col-

laborate with them on shared goals for each child; and

"(iii) Policy-makers:

"(a) Require schools to provide adequate counseling and support services to students, ensuring that every school meets the recommended ratio of at least one (1) counselor for every two hundred fifty (250) students;

"(b) Support parent education and family literacy programs;

"(c) Require educator evaluation systems to drive opportunities for individualized professional growth and support schools in providing relevant and quality training to teachers during the school day;

"(d) Align assessment requirements to maximize the impact on instruction;

"(e) Provide multiple pathways to graduation; and

"(f) Require schools to develop individualized learning plans for each student that connect to their academic and career goals and interests;

"(5)(A) Each student is intellectually stimulated and prepared for success in college or further study and for employment and participation in a global environment.

"(B) Under this tenet of intellectually stimulating environment, the indicators are that:

"(i) Educators:

"(a) Provide relevant and challenging coursework in a wide array of subjects through a variety of pathways, such as Advanced Placement, International Baccalaureate, dual-enrollment programs, and early college programs, and offer these advanced courses to all interested students;

"(b) Develop each student's critical-thinking and reasoning skills, creativity, ability to collaborate, problem-solving competencies, global awareness, and technology proficiency;

"(c) Provide a well-rounded curriculum that prepares students for success in college, career, and citizenship through rigorous instruction in all core academic subjects, including reading, math, science, the arts, history, civics, government, economics, foreign languages, geography, health education, and physical education;

"(d) Use qualitative and quantitative data and a range of diagnostic, formative, and summative assessments to monitor student progress, provide timely feed-

back, and adjust teaching and learning activities to maximize student growth; and

“(e) Align high school graduation requirements with the knowledge and skills required for college and career success;

“(ii) Parents and community members:

“(a) Communicate regularly with children and their teachers to identify opportunities to extend their learning in areas of interest and to support growth in the areas that are challenging;

“(b) Talk with children about their career interests and goals and explore courses, extracurricular activities, and postsecondary education options that align with those interests and goals;

“(c) Partner with schools to ensure their curricula, instruction, education experiences, and extracurricular activities prepare students with the knowledge and skills they need for success in the workplace and in further education; and

“(d) Reinforce the importance of education for future social, economic, and civic success; and

“(iii) Policy-makers:

“(a) Provide relevant and challenging coursework in a wide array of subjects through a variety of pathways (e.g., Advanced Placement, International Baccalaureate, dual-enrollment programs, early college programs), and offer these advanced courses to all interested students;

“(b) Recognize and reward schools that are successful in helping students of all backgrounds master challenging coursework;

“(c) Hold schools accountable for student achievement using multiple measures of performance and growth across all core academic subjects and establish meaningful and transparent public reporting of this information;

“(d) Foster coordination and communication across early childhood education, elementary education, middle school, high school, and postsecondary education so that each stage of a student’s educational career prepares him or her for the next; and

“(e) Promote alternative ways of assessing progress and achievement, such as portfolios and presentations.

“(l) By November 1, 2014, the Whole Child — Whole Community Recognition Working Group shall file its report with the House Committee on Education, Senate Committee on Education, and Legislative Council.”

Effective Dates. Acts 2009, No. 1469, § 32: Apr. 10, 2009. Emergency clause provided: “It is found and determined by the General Assembly of the State of Arkansas that it is the state’s constitutional obligation to provide a general, suitable, and efficient free system of public schools in the state; that the public school funding distribution changes in this act are needed to ensure that proper funding is provided to the affected public schools and school districts; and that this act is immediately necessary so that the affected public schools and school districts will receive the amount of funding for the current school year. Therefore, an emergency is declared to exist and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on: (1) The date of its approval by the Governor; (2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or (3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto.”

6-10-106. Uniform dates for beginning and end of school year.

(a)(1)(A) In each school year, the first day of the school year for student attendance in the public elementary and secondary schools of the State of Arkansas shall begin:

- (i) On or after the Monday of the week in which August 19 falls;
- (ii) Not earlier than August 14; and
- (iii) Not later than August 26.

(B) The date for beginning the school year shall be determined by the board of directors of the school district.

(C) Labor Day shall be celebrated as a school holiday in all the school districts of the state, and school shall not be held on that date.

(D) As used in this section, "week" means a seven-day period that begins on a Sunday and ends on a Saturday.

(2) The Department of Education may grant a school district a waiver to begin school on an earlier or later date if the department determines that there exists a material and substantial reason for the school district to begin on an earlier or later date due to very exceptional or emergency circumstances such as a contagious disease outbreak, inclement weather, or other acts of God.

(b) Contracts of employment for employees in licensed personnel positions and employees in nonlicensed personnel positions of school districts may require school district employees to begin performance under their contract of employment prior to the first day of student attendance.

(c) If the school year in any school district extends beyond the date observed as Memorial Day, such date shall be a holiday in the school district. Provided, upon approval of the department, this date may be used as a make-up day in any school district which has unavoidably lost more than five (5) scheduled days of student attendance during the course of the school year due to contagious disease outbreaks, inclement weather, or other acts of God.

(d)(1) A public school district that provides a week-long holiday for spring break shall schedule the spring break holiday for five (5) consecutive school days beginning on the Monday of the thirty-eighth week of the school year.

(2) The thirty-eighth week of the school year shall be calculated by counting as week one the first week in July that begins on a Sunday.

(3) Nothing in this subsection (d) shall prevent a public school district from providing fewer than five (5) consecutive school days for the spring break holiday to comply with the department's requirement for a minimum number of days for student attendance under the Standards for Accreditation of Arkansas Public Schools and School Districts.

(e) The department shall not grant a waiver from the requirements of this section unless this section specifically authorizes the waiver.

(f) A school district shall adopt an academic calendar that includes five (5) make-up days, in addition to the number of student-teacher interaction days required by the Standards for Accreditation of Arkansas Public Schools and School Districts established by the State Board of Education, for days unavoidably lost due to exceptional or emergency circumstances resulting from a contagious disease outbreak, inclement weather, or other acts of God.

History. Acts 1983 (Ex. Sess.), No. 6, 1506.2; Acts 1989, No. 461, § 1; 1993, No. §§ 1, 2; A.S.A. 1947, §§ 80-1506.1, 80-103, § 1; 2009, No. 424, § 1; 2009, No.

1469, § 1; 2011, No. 46, § 1; 2011, No. 65, § 1; 2013, No. 75, § 1; 2013, No. 1073, § 1; 2013, No. 1138, § 2.

Amendments. The 2009 amendment by No. 424 inserted (d) and redesignated the subsequent subsection as (e); and rewrote (e).

The 2009 amendment by No. 1469 added (f).

The 2011 amendment by No. 46 substituted "2011-2012 and 2012-2013" for "2009-2010 and 2010-2011" in (d)(1) and (d)(4)(A); substituted "August 1, 2012, and August 1, 2013" for "August 1, 2010, and by August 1, 2011" in (d)(4)(E); and sub-

stituted "August 1, 2013" for "August 1, 2011" in (d)(4)(F).

The 2011 amendment by No. 65 subdivided and rewrote (a)(1).

The 2013 amendment by No. 75 deleted "For school years 2011-2012 and 2012-2013, each" at the beginning of (d)(1); and deleted (d)(4).

The 2013 amendment by No. 1073 added (a)(1)(D).

The 2013 amendment by No. 1138 substituted "employees in licensed personnel positions and employees in nonlicensed personnel positions" for "certified and noncertified employees" in (b).

6-10-108. Twelve-month school year.

A.C.R.C. Notes. Acts 2011, No. 593, § 1, provided: "(a) Before the state decides whether or not to formally adopt an extended school year policy, it is imperative that the advantages and disadvantages of an extended school year be studied.

"(b) The interim Senate Committee on Education and the interim House Committee on Education shall jointly study issues relevant to the adoption of an extended school year and report the committees' findings to the President Pro Tempore of the Senate and the Speaker of the House of Representatives not later than October 1, 2012.

"(c) The study of an extended school year shall consider, without limitation, the:

"(1) Impact on teachers and other school personnel;

"(2) Cost to the state and school districts;

"(3) Facility needs;

"(4) Impact on the tourism and hospitality industry;

"(5) Curriculum and instruction;

"(6) Testing cycles;

"(7) Expansion of the current curriculum requirements and the time required to meet those requirements;

"(8) Current programs utilized in public schools that do not directly contribute to student learning outcomes;

"(9) Efficiencies that could be applied to financially support extended learning time;

"(10) Impact of allowing flexibility in rearranging school days on student learning;

"(11) Increased accountability placed on public schools;

"(12) Impact of the Common Core Standards; and

"(13) Comparison of instructional time with other industrialized nations."

6-10-114. Unlawful to discriminate — Penalties.

(a)(1) It shall be unlawful for any member of the board of directors, administrator, or employee of a public school to knowingly authorize the participation of students in an event or activity held at a location where some students would be excluded or not given equal treatment because of the student's race, national origin, or ethnic background.

(2) It shall be unlawful for any member of the board of directors, administrator, or employee of a public school to impose or threaten to impose disciplinary action against a person because:

(A) The person refuses to authorize or to participate in an event or activity prohibited by this section; or

(B) The person reports a violation of this section.

(b)(1) If the State Board of Education determines that the board of directors or administrators of a public school knowingly violated this section, the public school shall be deemed to be not in compliance with the minimum standards for accreditation.

(2) If the State Board of Education determines that a person licensed by the State Board of Education knowingly violated this section, the State Board of Education shall suspend the person's license for a period not to exceed one (1) year.

(c)(1) A violation of subdivision (a)(2) of this section shall be a Class A misdemeanor.

(2) Any person who knowingly authorizes students to participate in an activity or event in violation of this section shall be guilty of a Class A misdemeanor.

(d) It shall be a defense in any criminal prosecution or administrative hearing that the person authorized student participation in the event or activity after being threatened with disciplinary action if the person failed to authorize the participation.

History. Acts 1989, No. 852, §§ 1, 2; in (b)(2), substituted "licensed" for "certified" and "license" for "certification."
2013, No. 1138, § 3.

Amendments. The 2013 amendment,

6-10-115. Period of silence.

(a) A public school in this state shall observe a one (1) minute period of silence at the beginning of school each school day.

(b) During the period of silence a student may, without interfering with or distracting another student:

- (1) Reflect;
- (2) Pray; or
- (3) Engage in a silent activity.

(c) A teacher or school employee in charge of a public school classroom shall ensure that all students remain silent and do not interfere with or distract another student during the period of silence.

History. Acts 1995, No. 397, § 1; 1995, No. 539, § 1; 2013, No. 576, § 1.

Amendments. The 2013 amendment rewrote the section.

6-10-121. Tornado safety drills.

(a)(1) As used in this section, "public school" means a school that is part of a public school district under the control and management of a local school district board of directors.

(2) "Public school" includes the Arkansas School for Mathematics, Sciences, and the Arts, the Arkansas School for the Deaf, the Arkansas School for the Blind, and juvenile detention centers.

(b) The Director of the Arkansas Department of Emergency Management shall require all public schools to conduct tornado safety drills not less than three (3) times per year in the months of September, January, and February.

History. Acts 2007, No. 828, § 1; 2013, No. 484, § 2.

A.C.R.C. Notes. Acts 2013, No. 484, § 1, provided: "The General Assembly finds that:

"(1) Crime and violence remain issues in Arkansas public schools and nationwide;

"(2) The citizens of Arkansas have twice experienced the tragedy of a school shooting;

"(A) In 1997 when two (2) Stamps High School students were shot and wounded by sniper fire from a fellow student; and

"(B) In 1998 when four (4) students and one (1) teacher were killed at Westside Middle School in Jonesboro, and nine (9) more students and one (1) teacher were wounded;

"(3) In 2007, the National Center for Education Statistics reported that an average of nine and one-tenths percent (9.1%) of Arkansas's public high school students had been threatened or injured with a weapon on school property, com-

pared to the national average of seven and eight-tenths percent (7.8%); and

"(4) With the increasing levels of crime and violence in our schools, school administrators and personnel must be prepared for more than the academic challenges of teaching students. They must also:

"(A) Develop and maintain a strong partnership with law enforcement; and

"(B) Be trained to recognize and assume their roles and responsibilities for preventing and responding to acts of violence, terrorism, natural disaster, and other crimes impacting the school environment."

Acts 2013, No. 484, § 5, provided: "To provide law enforcement officers and school personnel the opportunity to receive the training and education required under this act, school districts shall implement the annual active shooter drills beginning in the 2014-2015 school year."

Amendments. The 2013 amendment rewrote (b).

6-10-122. Automated external defibrillators required.

(a)(1) The State Board of Education shall promulgate rules to require that:

(A) Each school campus have an automated external defibrillator; and

(B)(i) Appropriate school personnel be adequately trained on or before May 31, 2011; and

(ii) After May 31, 2011, appropriate school personnel be adequately trained on an ongoing basis.

(2) To enhance the potential life-saving capability of each automated external defibrillator, the rules shall include without limitation provisions regarding the availability of the school's automated external defibrillator at school-related activities, such as athletic events.

(b) To minimize the financial impact on school districts, each school district may apply for a grant from the Department of Health to purchase an automated external defibrillator or related equipment or to provide training to its personnel, or any combination of purchase of an automated external defibrillator or related equipment or provision of training to personnel.

(c) Beginning in 2011, the Commissioner of Education shall provide a report to the Senate Committee on Public Health, Welfare, and Labor and the House Committee on Public Health, Welfare, and Labor on or before July 1 each year regarding the implementation of this section and the status of automated external defibrillator availability on each school campus.

History. Acts 2007, No. 1598, § 1; 2009, No. 496, § 2.

A.C.R.C. Notes. Acts 2009, No. 496, § 1, provided: "This act shall be known and may be cited as the 'Antony Hobbs III Act'."

Amendments. The 2009 amendment inserted (a)(1)(B)(i) and (a)(2), redesignated the remaining text accordingly, and deleted "if funds are available" following "defibrillator" in (a)(1)(A); added (b) and (c); and made related changes.

6-10-123. School-based automated external defibrillator and cardiopulmonary resuscitation programs.

(a) The State Board of Education, after consultation with the Department of Health, shall develop rules based on guidelines for automated external defibrillator and cardiopulmonary resuscitation training that incorporates at least the following:

(1) Health care provider oversight, including planning and review of the selection, placement, and maintenance of automated external defibrillators;

(2) Appropriate training of anticipated rescuers in the use of the automated external defibrillator and in cardiopulmonary resuscitation;

(3) Testing of psychomotor skills based on the American Heart Association scientific guidelines, standards, and recommendations for the use of the automated external defibrillator, as they existed on January 1, 2009, and for providing cardiopulmonary resuscitation as published by the American Heart Association, American Red Cross, or in equivalent course materials, as they existed on January 1, 2009;

(4) Coordination with the emergency medical services system; and

(5) An ongoing quality improvement program to monitor training and evaluate response with each use of the automated external defibrillator.

(b) Automated external defibrillator and cardiopulmonary resuscitation training shall count fully toward the existing professional development requirements for teachers and school personnel.

History. Acts 2009, No. 496, § 3.

and may be cited as the 'Antony Hobbs III Act'."

A.C.R.C. Notes. Acts 2009, No. 496, § 1, provided: "This act shall be known

6-10-124. Updating of school policies.

(a) After each regular, fiscal, or special session of the General Assembly, the board of directors of each public school district in the state and the superintendent of the school district shall review the acts of the General Assembly for that session to determine whether a law regarding child abuse and relating to public schools has been amended or has been added to the Arkansas Code.

(b) If a board of directors of a public school district determines that the General Assembly has amended or added to the Arkansas Code a law regarding child abuse and relating to public schools, the board of directors shall update the school's policies to accord with the new law within sixty (60) days after sine die adjournment of the General Assembly.

History. Acts 2011, No. 985, § 1.

6-10-125. School district floor plan on file with emergency management coordinator.

(a)(1) As used in this section, “floor plan” means a document containing:

(A) A schematic drawing of facilities and property used by each public school in the school district, including the configuration of rooms, spaces, and other physical features of buildings;

(B) The location or locations where children enrolled in each public school in the school district spend time regularly;

(C) The escape routes approved by the local fire department for each public school in the school district;

(D) The average daily attendance of children enrolled in each public school in the school district; and

(E) The contact information for at least two (2) emergency contacts for each public school in the school district.

(2) An aerial view of each public school in the school district and property used by each public school in the school district shall be included with the floor plan if available.

(b) A school district may file a copy of the school district’s floor plan with the emergency management coordinator for the local office of emergency management or the interjurisdictional office of emergency management that serves the area where the school district is located.

(c) The emergency management coordinator shall ensure that the school district’s floor plan submitted under subsection (b) of this section is available at the 911 public safety communications center and the local office of emergency management or the interjurisdictional office of emergency management that serves the area where the school district is located.

(d) The Department of Education may adopt rules to implement this section.

History. Acts 2013, No. 1159, § 1.

CHAPTER 11

EDUCATION

SUBCHAPTER.

1. STATE BOARD OF EDUCATION.
2. STATE BOARD OF CAREER EDUCATION.

SUBCHAPTER 1 — STATE BOARD OF EDUCATION

SECTION.

6-11-101. Members.

6-11-102. Commissioner of Education.

SECTION.

6-11-105. Powers and duties.

6-11-111. Records of proceedings — An-

SECTION.

- nual report.
- 6-11-112. Power to make plans coordinating state and federal laws.
- 6-11-114. [Repealed.]
- 6-11-116. Standards for priority of projects.
- 6-11-124. Statewide computer network.

SECTION.

- 6-11-128. Arkansas Public School Computer Network.
- 6-11-129. Data to be accessible on website.
- 6-11-132. Financial impact statements for administrative rules.

Effective Dates. Acts 2009, No. 1463, § 2: July 1, 2009. Emergency clause provided: "It is found and determined by the General Assembly of the State of Arkansas that it is the obligation of the state to provide a substantially equal opportunity for an adequate education to the public students of this state; that public school district accountability to the Department of Education and to the General Assembly is a key element to the state's ability to

meet that obligation; and that this act is immediately necessary to ensure that any changes to the data collection systems used by the Department of Education and public school districts are provided to public school districts at the beginning of the 2009-2010 school year. Therefore, an emergency is declared to exist and this act being necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2009."

6-11-101. Members.

(a) The State Board of Education shall be composed of nine (9) members:

(1) Two (2) members to be selected from each of the congressional districts of the state as they exist on the July 31, 2007; and

(2) One (1) member to be appointed at large from within the state.

(b)(1) The term of office of a member of the state board shall be for a single term of seven (7) years.

(2)(A) Any member appointed to the state board to fill a vacancy for an uncompleted term with less than three (3) years remaining on the original term may be reappointed to an additional term of seven (7) years.

(B) No member serving three (3) or more years on the state board may be reappointed.

(3) No current or new member shall be allowed to resign in order to be appointed to a new term on the state board.

(4) Nothing in this section shall be construed to change the terms of any member of the state board who was appointed prior to June 3, 2004.

(c) The membership of the state board shall reflect the diversity in general education.

(d)(1) No person may serve as a member of the state board unless he or she is a qualified elector and is a person of high moral standards and recognized ability.

(2) Neither the Commissioner of Education nor any candidate for public office, holder of a public office in the state, schoolteacher, county or city superintendent, employee of a state-supported college or univer-

sity, or member of any board of trustees of any state institution of higher learning shall serve as a member of the state board.

(e) The members of the state board shall be appointed by the Governor, subject to the confirmation of the Senate and shall take the oath of office for officers prescribed by the Arkansas Constitution.

(f)(1) Whenever a vacancy occurs in the membership of the state board, the Governor shall appoint a successor who shall serve the remainder of the unexpired term of the member that he or she succeeded, subject to all other provisions of this section.

(2) Resignation, removal from the district from which he or she is appointed, disqualification, incapacitation from mental or physical disability or otherwise, or change in status from the eligibility requirements for membership on the state board shall automatically create a vacancy in the membership of the state board, and no such member shall thereafter exercise any of the functions of membership on the state board even though his or her successor has not been appointed.

(g)(1) Members of the state board shall be subject to removal from office by the Governor when the actions or condition of a member shall be considered as sufficient cause for removal.

(2) However, before a member may be removed for cause, this cause must have been accepted as true, good, and sufficient by a majority written vote of all members of the state board after a formal hearing at a regular or special session of the state board.

(h) The members of the state board shall serve without remuneration but may receive expense reimbursement and stipends in accordance with § 25-16-901 et seq., as follows:

(1) Actual expenses while attending regular and special meetings of the state board; and

(2) A per diem allowance when in attendance at regular or special meetings of the state board.

History. Acts 1931, No. 169, §§ 3-5; 1937, No. 244, § 1; Pope's Dig., §§ 11442 — 11445; Acts 1941, No. 127, §§ 1-4; 1959, No. 160, § 1; 1971, No. 38, § 10; 1973, No. 62, § 1; A.S.A. 1947, §§ 5-910, 80-102 — 80-105, 80-108; Acts 1993, No. 294, § 4; 1995, No. 297, § 1; 1997, No. 250, § 14; 1999, No. 885, § 1; 2003 (2nd Ex. Sess.), No. 90, § 4; 2007, No. 344, § 1; 2009, No. 376, § 3.

Amendments. The 2009 amendment inserted "Arkansas" in (e).

6-11-102. Commissioner of Education.

(a)(1) Subject to confirmation by the Governor, the State Board of Education is empowered to employ a person to act as the Commissioner of Education and who shall be the administrative head of the Department of Education.

(2) The commissioner shall serve at the pleasure of the Governor.

(b) The commissioner shall:

(1) Devote all of his or her time to the duties of his or her office;

(2) Act as an agent of the state board; and

(3) Perform other duties as are designated by the state board and by statute.

(c)(1) The person selected as the commissioner must:

(A) Be a person of good moral character, recognized as a leader in the field of education, and qualified technically and by experience to direct the work of the department;

(B) Hold a master's degree from an accredited institution;

(C) Have had ten (10) years' experience as a teacher, five (5) of which must be of an administrative or supervisory nature; and

(D) Hold a valid state teacher's license.

(2) No person who is related within the fourth degree of consanguinity or affinity to any member of the state board shall be eligible to serve as commissioner.

(d) It is the specific intention of this act to define and declare the commissioner to be the employee of the state board.

(e)(1) The commissioner, or a disbursing agent designated by him or her and approved by the state board, shall give bond to the State of Arkansas as provided by law for other disbursing agents conditioned for the faithful performance of his or her duties and the faithful accounting for all the school money of the state, of any county, or of any school district that may come into his or her hands.

(2) The bond shall be in a solvent surety company having a right to do business in the State of Arkansas and shall be approved by the state board.

(3) The premium on the bond shall be paid by the state board as one of the expenses of the state board.

(f) The state shall furnish the commissioner with suitable offices.

History. Acts 1931, No. 169, §§ 22, 23; Pope's Dig., §§ 11461, 11462; Acts 1941, No. 127, § 7; 1949, No. 250, § 1; 1971, No. 38, § 10; A.S.A. 1947, §§ 5-910, 80-118, 80-120; Acts 1987, No. 771, § 9; 1993, No. 294, § 4; 1995, No. 297, § 2; 1999, No. 1323, § 3; 2005, No. 1672, § 2; 2013, No. 1073, § 2; 2013, No. 1138, § 4.

A.C.R.C. Notes. Acts 2009, No. 1420, § 26, provided: "SALARY OF THE COMMISSIONER OF THE DEPARTMENT OF EDUCATION. It is the intent of the General Assembly that the appropriation for the salary of the Commissioner of the Department of Education shall be the sole and exclusive authority for his or her salary. It is further the intent of the General Assembly that the Commissioner be required to devote all of his or her working time exclusively to the performance of his or her duties as Commissioner of the Department of Education. Therefore, the Commissioner of the Department of Education is hereby prohibited from accepting any additional salary from any other source (including state, federal, or private entities or persons) for the performance of

his or her duties as Commissioner, and is prohibited from accepting any salary, fees or compensation from any other source (including state, federal or private entities or persons) for any other employment of any kind outside the scope of his or her duties as Commissioner, including but not limited to consulting work for any other public or private entity. This section shall not be construed to prohibit the Commissioner from accepting or receiving expense reimbursements and employee benefits as provided by State law."

Acts 2010, No. 126, § 26, provided: "SALARY OF THE COMMISSIONER OF THE DEPARTMENT OF EDUCATION. It is the intent of the General Assembly that the appropriation for the salary of the Commissioner of the Department of Education shall be the sole and exclusive authority for his or her salary. It is further the intent of the General Assembly that the Commissioner be required to devote all of his or her working time exclusively to the performance of his or her duties as Commissioner of the Department of Education. Therefore, the Commissioner of

the Department of Education is hereby prohibited from accepting any additional salary from any other source (including state, federal, or private entities or persons) for the performance of his or her duties as Commissioner, and is prohibited from accepting any salary, fees or compensation from any other source (including state, federal or private entities or persons) for any other employment of any kind outside the scope of his or her duties as Commissioner, including but not limited to consulting work for any other public or private entity. This section shall not be construed to prohibit the Commissioner from accepting or receiving expense reimbursements and employee benefits as provided by State law."

Acts 2011, No. 1074, § 25, provided: **"SALARY OF THE COMMISSIONER OF THE DEPARTMENT OF EDUCATION.** It is the intent of the General Assembly that the appropriation for the salary of the Commissioner of the Department of Education shall be the sole and exclusive authority for his or her salary. It is further the intent of the General Assembly that the Commissioner be required to devote all of his or her working time exclusively to the performance of his or her duties as Commissioner of the Department of Education. Therefore, the Commissioner of the Department of Education is hereby prohibited from accepting any additional salary from any other source (including state, federal, or private entities or persons) for the performance of his or her duties as Commissioner, and is prohibited from accepting any salary, fees or compensation from any other source (including state, federal or private entities or persons) for any other employment of any kind outside the scope of his or her duties as Commissioner, including but not limited to consulting work for any other public or private entity. This section shall not be construed to prohibit the Commissioner from accepting or receiving expense reimbursements and employee benefits as provided by State law."

Acts 2012, No. 246, § 23, provided: **"SALARY OF THE COMMISSIONER OF THE DEPARTMENT OF EDUCATION.** It is the intent of the General Assembly that the appropriation for the salary of the Commissioner of the Department of Education shall be the sole and exclusive authority for his or her salary. It is further

the intent of the General Assembly that the Commissioner be required to devote all of his or her working time exclusively to the performance of his or her duties as Commissioner of the Department of Education. Therefore, the Commissioner of the Department of Education is hereby prohibited from accepting any additional salary from any other source (including state, federal, or private entities or persons) for the performance of his or her duties as Commissioner, and is prohibited from accepting any salary, fees or compensation from any other source (including state, federal or private entities or persons) for any other employment of any kind outside the scope of his or her duties as Commissioner, including but not limited to consulting work for any other public or private entity. This section shall not be construed to prohibit the Commissioner from accepting or receiving expense reimbursements and employee benefits as provided by State law."

Acts 2013, No. 1310, § 24, provided: **"SALARY OF THE COMMISSIONER OF THE DEPARTMENT OF EDUCATION.** It is the intent of the General Assembly that the appropriation for the salary of the Commissioner of the Department of Education shall be the sole and exclusive authority for his or her salary. It is further the intent of the General Assembly that the Commissioner be required to devote all of his or her working time exclusively to the performance of his or her duties as Commissioner of the Department of Education. Therefore, the Commissioner of the Department of Education is hereby prohibited from accepting any additional salary from any other source (including state, federal, or private entities or persons) for the performance of his or her duties as Commissioner, and is prohibited from accepting any salary, fees or compensation from any other source (including state, federal or private entities or persons) for any other employment of any kind outside the scope of his or her duties as Commissioner, including but not limited to consulting work for any other public or private entity. This section shall not be construed to prohibit the Commissioner from accepting or receiving expense reimbursements and employee benefits as provided by State law."

Amendments. The 2013 amendments

by Nos. 1073 and 1138 substituted "license" for "certificate" in (c)(1)(D).

6-11-105. Powers and duties.

- (a) The State Board of Education shall:
 - (1) Have general supervision of the public schools of the state;
 - (2) Recommend courses of study for the public schools and teacher training institutions;
 - (3) Prescribe rules for the examination of pupils to detect contagious and infectious diseases and physical defects;
 - (4) Issue licenses based upon credentials presented by applicants for licenses to teach in the public schools of the state;
 - (5) Qualify and standardize public schools and prescribe requirements for accrediting and grading public schools;
 - (6) Supervise the operation of school district budgets;
 - (7) Supervise the purchase and distribution of textbooks;
 - (8) Take such other action as it may deem necessary to promote:
 - (A) The physical welfare of school children;
 - (B) The organization and efficiency of the public schools of the state; and
 - (C) Public education and awareness about racial profiling;
 - (9)(A) Perform all other functions that may now or hereafter be delegated to the state board by law.
 - (B) However, this section shall not prohibit the state board and the Department of Education from issuing teachers' licenses upon the results of teachers' examinations as now provided by law;
 - (10) Eliminate unnecessary reports and paperwork by yearly identifying and compiling a list of all reports that are required from local school districts by the department or the state board for the school year;
 - (11) Adopt policies to ensure, except as allowed under subsection (b) of this section, that local school districts are not required by the state board or the department to:
 - (A) Provide information that is already available on a department student information management system or housed within the department;
 - (B) Provide the same written information more than one (1) time during a school year unless the information has changed during the school year; or
 - (C) Complete forms for children with disabilities that are not necessary to ensure compliance with federal statutes and regulations, including, but not limited to, the Individuals with Disabilities Education Act, state mandates, and corresponding appropriations governing the provision of special education services to students with disabilities; and
 - (12)(A) If the state board orders the takeover of a school district under authority granted under this title and also orders the removal of the school district board of directors, the state board may assume all authority of the school district board of directors as may be necessary for the day-to-day governance of the school district.

(B) The state board may designate the authority granted under this subdivision (a)(12) to the Commissioner of Education.

(b) The state board may require information available on a department student information management system or require the same information twice if the state board can demonstrate a compelling need and can demonstrate there is not a more expeditious manner of getting the information.

(c) The state board may organize and, from time to time, change and alter the department into branches or sections as may be found necessary and desirable by the commissioner to perform all proper functions and to render maximum service relating to the operation and improvement of the general education programs of the state.

(d) The state board shall adopt rules and regulations for its meetings and proceedings as it deems advisable.

History. Acts 1931, No. 169, §§ 7, 14; Pope's Dig., §§ 11447, 11453; Acts 1941, No. 127, §§ 5, 6, 8; A.S.A. 1947, §§ 80-107, 80-113, 80-122; Acts 1987, No. 771, §§ 5, 11; 1999, No. 1323, §§ 6, 7; 2003, No. 413, § 1; 2005, No. 2136, § 1; 2009, No. 1473, § 1; 2011, No. 989, § 1; 2013, No. 1073, §§ 3, 4; 2013, No. 1138, §§ 5, 6.

Amendments. The 2009 amendment deleted (a)(2) and redesignated the remaining subdivisions accordingly; and, in (a)(3), deleted "and regulations for the

sanitary inspection of all buildings and" following "rules."

The 2011 amendment added (a)(12).

The 2013 amendment by No. 1073 substituted "licenses" for "certificates" in (a)(4); in (a)(9)(B), substituted "this section" for "nothing in this act," inserted "not" following "shall," and substituted "licenses" for "certificates."

The 2013 amendment by No. 1138 substituted "licenses" for "certificates" twice in (a)(4) and once in (a)(9)(B).

6-11-111. Records of proceedings — Annual report.

(a) The State Board of Education shall keep in the office of the Commissioner of Education a complete record of the minutes of its meetings and other proceedings and annually shall make a report to the Governor that shall embody the report of the commissioner to the state board.

(b) At the opening of each regular session of the General Assembly, the Governor shall transmit to the General Assembly each annual report of the state board for each year of the biennium preceding the regular session of the General Assembly.

(c)(1) Each annual report of the state board shall be printed by the state board and distributed among the various school officers of the state or made available to public school districts by including a link to the annual report on the Department of Education website.

(2) The annual report shall include without limitation the information required by § 6-20-2304(b).

History. Acts 1931, No. 169, §§ 17, 25; Pope's Dig., §§ 11456, 11464; A.S.A. 1947, §§ 80-110, 80-112; Acts 1987, No. 771, § 7; 1999, No. 1323, § 12; 2007, No. 1587, § 1; 2009, No. 376, § 4.

Amendments. The 2009 amendment

inserted "to the state board" in (a); inserted "each annual report of the state board for each year of the biennium preceding the regular session of the General Assembly" in (b); and made minor stylistic changes.

6-11-112. Power to make plans coordinating state and federal laws.

The State Board of Education is empowered to make plans, promulgate rules, and seek waivers for flexibility as necessary for this state to meet the requirements of a law enacted by Congress for general education, including without limitation the Elementary and Secondary Education Act of 1965, Pub. L. No. 89-10, as reauthorized by the No Child Left Behind Act of 2001, Pub. L. No. 107-110, or any supplementary federal regulations, directives, or decisions of the United States Department of Education pertaining to that legislation.

History. Acts 1955, No. 88, § 2; A.S.A. 1947, § 80-141; Acts 1987, No. 771, § 14; 1999, No. 1323, § 13; 2013, No. 1429, § 1.

Amendments. The 2013 amendment inserted “promulgate,” “including without limitation ... Pub. L. No. 107-110,” and

“directives, or decisions of the United States Department of Education,” substituted “seek waivers for flexibility” for “regulations,” and deleted “in order” following “as necessary.”

6-11-114. [Repealed.]

Publisher’s Notes. This section, concerning receipt and administration of federal aid for school facilities, was repealed by Acts 2009, No. 1473, § 2. This section

was derived from Acts 1955, No. 88, § 1; A.S.A. 1947, § 80-140; Acts 1987, No. 771, § 13.

6-11-116. Standards for priority of projects.

(a) The Commission for Arkansas Public School Academic Facilities and Transportation is granted authority to prescribe principles, standards, and criteria to be followed in setting up priority of projects, provided that such principles, standards, and criteria are not in conflict with federal statutes.

(b) Such principles, standards, and criteria shall include the following factors which shall be given priority over other considerations so long as they are not in conflict with the federal statutes:

(1) The relative condition of facilities within a school district, taking into consideration the age and condition of school buildings and facilities and the need for replacement or repair thereof to properly accommodate the school population of the school district and to protect the health and safety of the school children;

(2) The relative financial ability of school districts to provide facilities with local taxes;

(3) The adequacy of satisfactory facilities within feasible transportation distances of children within a school district or county; and

(4) The relative debt service obligations of districts in proportion to the statutory limitations on bonded indebtedness of school districts.

History. Acts 1955, No. 88, § 3; A.S.A. 1947, § 80-142; Acts 2009, No. 1473, § 3.

Amendments. The 2009 amendment substituted “Commission for Arkansas

Public School Academic Facilities and Transportation” for “State Board of Education” in (a).

6-11-124. Statewide computer network.

(a)(1) Acts 1991, No. 1034, authorizes the Board of Trustees of the Arkansas Teacher Retirement System to provide a loan to the Department of Education for a statewide computer system capable of linking all public school systems and the department.

(2) In order to provide alternatives to accomplish the purposes of Acts 1991, No. 1034, the department is hereby authorized to enter into a contractual agreement with IMPAC Learning Systems, Inc., for the development of a statewide computer system capable of linking all public school systems and the department from funds provided by a loan from the Arkansas Teacher Retirement System.

(b) The State Board of Education shall maintain oversight authority over the approval of all standards, procedures, and specifications determined by the department regarding the purchase or lease of the statewide computer network in addition to maintaining oversight authority over the operational aspects of the system.

(c) The Commissioner of Education may request from the Chief Fiscal Officer of the State a transfer of appropriation authorized for school district management and statewide data collection by the General Assembly to any other line item appropriation authorized for the department for the same purpose.

History. Acts 1992 (1st Ex. Sess.), No. 4, §§ 1-4; 1999, No. 98, § 1; 2005, No. 1936, § 3; 2009, No. 376, § 5.

in (c), substituted “Commissioner of Education” for “director” and made a minor stylistic change.

Amendments. The 2009 amendment,

6-11-128. Arkansas Public School Computer Network.

(a)(1) As used in this section, “Arkansas Public School Computer Network” or “APSCN” means the Department of Education’s computer network system for public school district reporting of financial management data and student management data to the Department of Education.

(2) All school districts and education service cooperatives shall, as a minimum, use the following financial management systems applications of the Arkansas Public School Computer Network:

- (A) Fund accounting, including all activity funds;
- (B) Budget preparation;
- (C) Human resources; and
- (D) Fixed assets.

(b) After approval by the Department of Education, a school district may use a different software system at the school district level if:

(1) The Department of Education determines that the school district’s software meets the minimum reporting requirements provided by the Arkansas Public School Computer Network; and

(2) The school district supplies all school district transaction information to the Arkansas Public School Computer Network in a compatible format and in sufficient detail as required by the Department of Education.

(c) The Department of Education shall implement the use of policies, procedures, and personnel to provide for data quality and security with the Arkansas Public School Computer Network, including without limitation the following:

(1) Periodically conducting a thorough security review and security risk assessment for all information, including without limitation personally identifiable employee and student information, that originates in the school districts and terminates on Department of Information Systems and Arkansas Public School Computer Network servers;

(2) Creating security plans, policies, and procedures;

(3) Monitoring the mechanism for the network's end-to-end, enterprise-wide financial and student information systems;

(4) Creating and maintaining a process for documenting and monitoring the quality of data from its source of entry into the network to any educational data repository in the Department of Education; and

(5) Establishing standards and monitor compliance with standards for all software and data testing in the network;

(6)(A) Developing a certification program to certify:

(i) At least one (1) person in each school district as a certified APSCN financials user and trainer; and

(ii) At least one (1) person in each school district as a certified APSCN student management user and trainer.

(B) The certification process shall require an applicant for certification to successfully complete the following components, including without limitation:

(i) Courses in the application area;

(ii) Training in using the network's reporting tools; and

(iii) An examination that tests the applicant's knowledge and skills in the application area and the Arkansas Public School Computer Network's reporting tools.

(C) In a school district of five hundred (500) or fewer students, one (1) person may be certified in both financials and student management; and

(7) Developing a data quality metrics program designed to significantly reduce the number of data errors within the Arkansas Public School Computer Network's applications and data warehouse and provide reports on code changes and time availability of information, including without limitation:

(A) The number of code changes made in mid-year;

(B) The percent of prime time availability of all applications that feed data into the network and data warehouse;

(C) The percent of time availability of each school district server and local area network for use with the Arkansas Public School Computer Network's availability;

(D) Corrective actions taken on the Arkansas Public School Computer Network's applications and data warehouse;

(E) Preventive actions taken to avoid downtime and data errors;

(F) Cycle data tardiness; and

(G) Number of data corrections made during each cycle submission.

(d)(1)(A) Beginning with the 2007-2008 school year, the Department of Education shall:

(i) Collect data from public school districts on full-time equivalents and average teachers' salaries by July 31 of each year;

(ii) Collect actual revenue and expenditure data not later than August 31 of each year; and

(iii) Require budget reporting not earlier than September 30 of each year.

(B) The Arkansas Public School Computer Network shall have the programs necessary to collect the data in this subdivision (d)(1) available to each public school district at least fifteen (15) days before the date a public school district is required to submit the data.

(2)(A) Beginning with the 2008-2009 school year, the Department of Education shall release monthly from the Arkansas Public School Computer Network selected financial and student management data submitted by public school districts for the previous month.

(B) The General Assembly and the Department of Education shall determine by mutual agreement what financial and student management data will be selected for the monthly release.

(C) The Department of Education shall make the information available to the General Assembly in the Arkansas Public School Computer Network data warehouse by the tenth business day of each month.

History. Acts 2003, No. 1097, § 1; 2003, No. 1769, § 1; 2007, No. 617 § 3; 2007, No. 723, § 1; 2007, No. 724, § 1; 2009, No. 1463, § 1. **Amendments.** The 2009 amendment rewrote (d)(1)(B).

6-11-129. Data to be accessible on website.

(a)(1) Each school district shall make the following information and data easily identified on its website or the website of the school district's education service cooperative, if the education service cooperative maintains the school district's website:

(A) Current comprehensive financial data reports for school districts, including:

(i) Local and state revenue sources;

(ii) Administrator and teacher salary and benefit expenditure data;

(iii) School district balances, including legal balances and building fund balances;

(iv) Minutes of regular and special meetings of the school board of directors;

(v) The school district budget for the ensuing year, which shall be posted on the website within thirty (30) days following the date required to be submitted to the Department of Education;

(vi) A financial breakdown of monthly expenses of the school district;

(vii) Salary schedules for all employees, including extended contract and supplementary pay amounts;

(viii) Current contract information with all school district employees, except that social security numbers, telephone numbers, personal addresses, or signatures shall not be published;

(ix) The annual budget of the school district; and

(x) The annual school district statistical report; and

(B) Each school district's personnel policies required under § 6-17-201 et seq. and § 6-17-2301 et seq.

(2) Information and data required to be made available and easily accessible on the school district's website under this section shall:

(A) Be easily accessible through the homepage of the website under a link titled "State-Required Information" to a page on the website where the information may be found; and

(B) Consist of the actual data for the two (2) previous school years and the projected budgeted information for the current school year.

(3)(A) A direct link to the information required in this section shall be easily identifiable on the homepage of the website under a link titled "State-Required Information" to a page on the website where the information may be found.

(B) Under the State-Required Information link, the school district shall subdivide the information by the categories of the information.

(b) The department shall make the information and data required by this section available and easily accessible on the department's website by including direct links to the websites of all Arkansas school districts.

History. Acts 2003, No. 1802, § 1; 2003 (2nd Ex. Sess.), No. 50, § 1; 2005, No. 2121, § 2; 2007, No. 54, § 1; 2007, No. 617, § 4; 2007, No. 1573, §§ 1, 48; 2009, No. 1180, § 1; 2011, No. 989, § 2; 2013, No. 228, §§ 1, 2.

A.C.R.C. Notes. Acts 2009, No. 1180, § 4, provided: "The document attached hereto titled 'Prologue' contains the findings concerning the history of school board functions. The document, 'Prologue', shall be filed in the journals of the House and Senate."

Amendments. The 2009 amendment inserted "or the website of the school dis-

trict's education service cooperative, if the education service cooperative maintains the school district's website" in the introductory language of (a)(1); inserted "expenditure" in (a)(1)(A)(ii); rewrote (a)(1)(A)(iv) through (a)(1)(A)(vi); inserted (a)(1)(A)(vii) through (a)(1)(A)(x); deleted (a)(1)(C) and (a)(1)(D); deleted "on the department's website" at the end of (b); and made related and minor stylistic changes.

The 2011 amendment added "and § 6-17-2301 et seq." at the end of (a)(1)(B).

The 2013 amendment rewrote (a)(2); and added (a)(3).

6-11-132. Financial impact statements for administrative rules.

- (a) The State Board of Education and the State Board of Career Education shall promulgate their rules as provided under the Arkansas Administrative Procedure Act, § 25-15-201 et seq.
- (b) The scope of the financial impact statement shall be as provided under the Arkansas Administrative Procedure Act, § 25-15-201 et seq., and shall include without limitation a public school district’s estimated cost to comply with and implement the rule.

History. Acts 2006 (1st Ex. Sess.), No. 38, § 1; 2007, No. 827, § 113; 2013, No. 759, § 1.

Amendments. The 2013 amendment rewrote the section.

SUBCHAPTER 2 — STATE BOARD OF CAREER EDUCATION

- | | |
|---|---|
| SECTION. | SECTION. |
| 6-11-201. Director of the Department of Career Education. | 6-11-208. Regional Educational Career Alternative School System for Adjudicated Youth — Multiagency task force — Formation. |
| 6-11-202. Records of proceedings. | 6-11-209. Additional truancy officers. |
| 6-11-203. Vocational education. | 6-11-210. Transportation funding for students attending a regional community alternative learning environment center. |
| 6-11-204. Official seal — Copies of documents as evidence. | |
| 6-11-205. Federal aid — Acceptance and distribution generally. | |
| 6-11-206. Federal aid — Receipt and administration for school facilities. | |
| 6-11-207. Power to make plans coordinating state and federal laws. | |

A.C.R.C. Notes. Acts 2009, No. 787, § 2, provided: “State Board of Workforce Education and Career Opportunities renamed State Board of Career Education.

“(a)(1) The State Board of Workforce Education and Career Opportunities, as it is referred to or empowered through the Arkansas Code, is renamed.

“(2) In its place, the State Board of Career Education is established, succeeding to the general powers and responsibilities previously assigned to the State Board of Workforce Education and Career Opportunities.

“(3) The Chair of the State Board of Workforce Education and Career Opportunities shall identify and revise all inter-agency agreements, financial instruments, funds, and other necessary legal documents in order to effect this change.

“(b) Nothing in this act shall be construed as impairing the powers and authority of the State Board of Workforce Education and Career Opportunities before the effective date of the name change.

“(c) Appropriations authorized for the personal services and operating expenses of the State Board of Workforce Education and Career Opportunities may be utilized for the personal services and operating expenses of the State Board of Career Education.”

Acts 2009, No. 787, § 5, provided: “(a) This act shall not be construed as impairing the continued effectiveness of any rules or orders promulgated or issued by the Department of Workforce Education or the State Board of Workforce Education and Career Opportunities before the effective date of this act.

“(b) This act shall not be construed as extinguishing or otherwise affecting the unexpired terms of any current members of the State Board of Workforce Education and Career Opportunities.”

6-11-201. Director of the Department of Career Education.

(a)(1) The Director of the Department of Career Education, or a disbursing agent designated by him or her and approved by the State Board of Career Education, shall give bond to the State of Arkansas as provided by law for other disbursing agents conditioned for the faithful performance of his or her duties and the faithful accounting for all the school money of the state, of any county, or of any school district that may come into his or her hands.

(2) The bond shall be in a solvent surety company having a right to do business in the State of Arkansas and shall be approved by the board.

(3) The premium on the bond shall be paid by the board as one of the expenses of the board.

(b) The state shall furnish the director with suitable offices.

History. Acts 1999, No. 1323, § 17; 2011, No. 981, § 1. the section head and twice in (a)(1); and deleted “and Career Opportunities” preceding “shall give” in (a)(1).

Amendments. The 2011 amendment substituted “Career” for “Workforce” in

6-11-202. Records of proceedings.

The State Board of Career Education shall keep in the office of the Director of the Department of Career Education a complete record of the minutes of its meetings and other proceedings.

History. Acts 1999, No. 1323, § 17; 2011, No. 981, § 1. substituted “Career” for “Workforce” twice and deleted “and Career Opportunities” preceding “shall keep.”

Amendments. The 2011 amendment

6-11-203. Vocational education.

The State Board of Career Education shall have general supervision of vocational education in the state and shall administer and apportion any funds that come to the state for that purpose.

History. Acts 1999, No. 1323, § 17; 2011, No. 981, § 1. substituted “Career” for “Workforce” and deleted “and Career Opportunities” preceding “shall have.”

Amendments. The 2011 amendment

6-11-204. Official seal — Copies of documents as evidence.

(a) The State Board of Career Education shall adopt a seal, and the seal shall be used by the Director of the Department of Career Education to authenticate documents or copies of documents as the board or director considers advisable.

(b) Copies of any papers or documents on file in the offices of the director authenticated by him or her with the seal of the board shall be admissible in evidence with the same effect as the original.

History. Acts 1999, No. 1323, § 17; in (a), substituted “Career” for “Workforce” twice and deleted “and Career Opportunities” preceding “shall adopt.”

Amendments. The 2011 amendment, opportunities” preceding “shall adopt.”

6-11-205. Federal aid — Acceptance and distribution generally.

(a)(1) The General Assembly accepts all federal aid to education that may be provided by Congress.

(2) The State Board of Career Education is designated as the state educational authority to represent the state in the administration of funds provided by Congress.

(3) The board may promulgate regulations as are necessary on the part of the state to meet any requirement of the federal government in the distribution of federal aid.

(4) The board shall provide for the proper auditing and accounting of all federal funds and for making all necessary reports regarding the expenditures of the federal funds.

(5) The board shall perform other functions as may be prescribed by the act providing aid.

(b) The Treasurer of State is designated to serve as trustee for such funds as may be apportioned to the State of Arkansas in this connection.

(c) The funds shall be disbursed according to the federal act allocating them.

History. Acts 1999, No. 1323, § 17; 2011, No. 981, § 1. force” and deleted “and Career Opportunities” preceding “is designated”; and substituted “any requirement” for “any and all requirements” in (a)(3).

Amendments. The 2011 amendment, in (a)(2), substituted “Career” for “Work-

6-11-206. Federal aid — Receipt and administration for school facilities.

The State Board of Career Education is designated to receive and administer any federal funds made available to this state to assist local school districts in providing elementary and secondary school facilities for vocational and adult education programs.

History. Acts 1999, No. 1323, § 17; 2011, No. 981, § 1. substituted “Career” for “Workforce” and deleted “and Career Opportunities” preceding “is designated.”

Amendments. The 2011 amendment

6-11-207. Power to make plans coordinating state and federal laws.

The State Board of Career Education may make plans, rules, and regulations as are necessary in order for this state to meet the requirements of any law enacted by Congress for vocational-technical education or any supplementary federal regulations pertaining to that legislation.

History. Acts 1999, No. 1323, § 17; substituted “State Board of Career Education” for “State Board of Workforce and Career Opportunities.”

6-11-208. Regional Educational Career Alternative School System for Adjudicated Youth — Multiagency task force — Formation.

(a)(1) A multiagency task force, staffed and supported by the Department of Career Education, is established and shall consist of five (5) members, including:

(A) The Commissioner of Education or his or her designee;

(B) The Director of the Department of Career Education or his or her designee;

(C) The Director of the Department of Higher Education or his or her designee;

(D) The Director of the Department of Human Services or his or her designee; and

(E) The Director of the Department of Workforce Services or his or her designee.

(2) Funding for the multiagency task force shall be provided by:

(A) The Department of Career Education; or

(B) Each agency that serves on the multiagency task force, in an equal amount.

(3) The multiagency task force shall:

(A) Establish criteria and standards for a career-based curriculum to be offered in the Regional Educational Career Alternative School System for Adjudicated Youth;

(B) Formulate and recommend how to operate a Regional Educational Career Alternative School System for Adjudicated Youth; and

(C) Strive to open at least one (1) Regional Educational Career Alternative School for Adjudicated Youth in the 2013-2014 school year, upon the availability of funding.

(4) Beginning on October 1, 2011, the multiagency task force shall provide status reports to the interim House Committee on Aging, Children and Youth, Legislative and Military Affairs and the Senate Interim Committee on Children and Youth one (1) time each quarter.

(b) The Regional Educational Career Alternative School System for Adjudicated Youth may consist of at least one (1) but not more than five (5) Regional Educational Career Alternative Schools for Adjudicated Youth.

(c) A Regional Educational Career Alternative School for Adjudicated Youth shall offer without limitation:

(1) At least the minimum twenty-two-credit curriculum required to obtain a diploma;

(2) Vocational education and certificates;

(3) Career education services, including the General Educational Development Test;

(4) Special education services; and

(5) Support services.

History. Acts 2011, No. 1202, § 1.

6-11-209. Additional truancy officers.

(a) As used in this section, "school district with a high dropout rate" means an Arkansas school district:

- (1) That has the most statistically significant rate of dropouts;
- (2) From which students may enroll in a regional community alternative learning environment center; and
- (3) That is contiguous to other school districts that meet the criteria under subdivisions (a)(1) and (2) of this section.

(b) An education service cooperative may receive funding from a local law enforcement agency, a state agency, or a federal agency, or from private donations, to employ one (1) or more truancy officers for a school district with a high dropout rate.

(c) An education service cooperative may employ under this section:

- (1) One (1) truancy officer for each school district with a high dropout rate in its service area that has a student population of one thousand (1,000) or fewer students; and
- (2) Two (2) truancy officers for each school district with a high dropout rate in its service area that:
 - (A) Is a countywide school district; or
 - (B) Has a student population of more than one thousand (1,000) students.

(d) A truancy officer hired under this section shall complete:

- (1) The training requirements for juvenile intake and probation officer certification through the Administrative Office of the Courts; and
- (2) Twelve (12) hours of continuing education annually as approved by the judge for the juvenile division of the circuit court for the county the truancy officer serves.

History. Acts 2013, No. 1481, § 2.

A.C.R.C. Notes. Acts 2013, No. 1481, § 1, provided:

"The General Assembly finds that:

"(1) A regional community alternative learning environment center is a nonresidential school that serves students with educational limitations and deficiencies who are not currently served or are underserved by the students' resident school districts;

"(2) The students served by a regional community alternative learning environment center:

"(A) Come from high-priority school districts:

"(i) With the most statistically significant dropout rates; and

"(ii) That because of high rates of poverty and a tax base that is continually eroded by a declining population, do not have funds for additional truancy officers to ensure the attendance of students at a regional community alternative learning environment center; and

"(B) Often have a family that provides insufficient support for good school attendance; and

"(3) By providing additional truancy officers for these school districts, the state helps to provide these students with the opportunity to:

"(A) Be successful in school and become prepared for gainful employment or completion of a certification in a career or vocational area of study; and

“(B) Strengthen family relationships by enabling the student to reside at home.”

6-11-210. Transportation funding for students attending a regional community alternative learning environment center.

(a)(1) As funding is available, the Department of Education may provide transportation funding aid to school districts that transport students to a regional community alternative learning environment center that serves three (3) or more contiguous counties in which the most recent census indicates:

- (A) High rates of poverty; or
- (B) Declining population.

(2) The school may also receive funding for transportation under this section from other state agencies, federal agencies, or from private donations.

(b) A school district may use the state categorical funding it receives under § 6-20-2305(b)(4) to provide transportation for students who reside in the school district to attend a regional community alternative learning environment center.

History. Acts 2013, No. 1482, § 2.

A.C.R.C. Notes. Acts 2013, No. 1482, § 1, provided:

“The General Assembly finds that:

“(1) A regional community alternative learning environment center is a nonresidential school that serves students with educational limitations and deficiencies who are not currently served or are underserved by the students’ resident school districts;

“(2) The students served by a regional community alternative learning environment center come from school districts that have high rates of poverty and in

which the tax base for the school districts is progressively eroded by a declining population; and

“(3) By providing transportation funding aid to the school districts to transport students to a regional community alternative learning environment center, the state provides these students with the opportunity to:

“(A) Be successful in school and become prepared for gainful employment or completion of training and certification in a career or vocational area of study; and

“(B) Strengthen family relationships by enabling the student to reside at home.”

CHAPTER 12

COUNTY BOARDS OF EDUCATION

SUBCHAPTER.

- 1. GENERAL PROVISIONS.
- 3. RIGHTS AND DUTIES.

SUBCHAPTER 1 — GENERAL PROVISIONS

SECTION.

- 6-12-112. [Repealed.]
- 6-12-114. [Repealed.]

SECTION.

- 6-12-115. [Repealed.]
- 6-12-116. [Repealed.]

6-12-112. [Repealed.]

Publisher's Notes. This section, concerning the audit of school district fiscal affairs, was repealed by Acts 2013, No. 1155, § 3. This section was derived from

Acts 1941, No. 327, § 12; A.S.A. 1947, § 80-215; Acts 2005, No. 2190, § 3; 2009, No. 376, § 6.

6-12-114. [Repealed.]

Publisher's Notes. This section, concerning the implementation of the repeal of county boards of education, was repealed by Acts 2013, No. 1155, § 4. The

section was derived from Acts 1999, No. 1078, §§ 90, 91; 2001, No. 1036, § 2, 4; 2005, No. 2190, § 4.

6-12-115. [Repealed.]

Publisher's Notes. This section, concerning the repeal of county boards of education, was repealed by Acts 2013, No.

1155, § 5. This section was derived from Acts 1999, No. 1078, § 91.

6-12-116. [Repealed.]

Publisher's Notes. This section, concerning limitation on civil action against county boards of education, was repealed

by Acts 2013, No. 1155, § 6. This section was derived from Acts 2001, No. 1036, § 4; 2005, No. 2190, § 5.

SUBCHAPTER 3 — RIGHTS AND DUTIES**SECTION.**

6-12-315. School district coordinator.

6-12-315. School district coordinator.

(a) Any county containing all or part of six (6) or more school districts may create:

- (1) An executive council; and
- (2) The position of school district coordinator if a majority of the school districts in the county pass a resolution requesting the creation of the position of school district coordinator.

(b) The executive council may be made up of one (1) superintendent from each school district in the county who may organize themselves in a manner to allow for meetings among superintendents in the county for the purpose of coordinating the business of the respective school districts in a coordinated manner within the county.

(c) The school district coordinator may:

- (1) Record the certificates of teachers as required by law;
- (2) Be a representative of the State Board of Education and shall perform duties as may be required by the state board;
- (3) Keep a record of the contracts made with teachers;
- (4) Assume and perform all of the duties of the county board of education or county supervisor as in existence on January 1, 2005;

(5) Cooperate with the Department of Education in carrying out the budgetary regulations and procedures pertaining to school districts in the county as prescribed by the state board or by law;

(6) Keep in the school district coordinator's office and file with the Board of Trustees of the Arkansas Teacher Retirement System and the state board not later than October 15 of each year a list of all teachers employed in the county for the ensuing year setting forth the type of certificate held by each teacher, the teacher's monthly contract salary, whether the teacher is a member of the Arkansas Teacher Retirement System, and other information as the state board may deem necessary;

(7) Cause to be set aside from funds in the county general school fund amounts necessary for the expenses of the executive council; and

(8) Perform other duties related to the school districts in the county as may be requested by the executive council.

(d) A county in which there has not been a school district coordinator under this section for five (5) years or more may abolish the position.

History. Acts 2005, No. 1159, § 1; **Amendments.** The 2013 amendment added (d).

CHAPTER 13
SCHOOL DISTRICTS

SUBCHAPTER.

- 1. GENERAL PROVISIONS.
- 6. SCHOOL DISTRICT BOARDS OF DIRECTORS GENERALLY.
- 7. SCHOOL DISTRICT TREASURER.
- 10. EDUCATION SERVICE COOPERATIVE ACT.
- 13. SITE-BASED DECISION MAKING.
- 14. CONSOLIDATION, ANNEXATION, AND FORMATION.
- 15. CREATION OF SCHOOL DISTRICT BY DETACHING TERRITORY FROM EXISTING SCHOOL DISTRICT.
- 16. PUBLIC EDUCATION REORGANIZATION ACT.

SUBCHAPTER 1 — GENERAL PROVISIONS

SECTION.

- | | |
|--|----------------------------|
| 6-13-102. Body corporate — Name. | Board of Education and |
| 6-13-104. Uncertain boundaries. | Commissioner of Educa- |
| 6-13-111. Consolidated school districts. | tion regarding school dis- |
| 6-13-112. Responsibilities of the State | tricts under state author- |
| | ity. |

6-13-102. Body corporate — Name.

(a) Each school district in the state shall be a body corporate, may contract and be contracted with, and may sue and be sued in its corporate name, which shall be the name it now has unless changed by the State Board of Education.

(b) A certificate showing the name authenticated by the state board shall be filed with the county clerk of the county or of each county in which there is any territory of the school district and by him or her inscribed in a book kept by him or her for that purpose.

(c) A school district may acquire and hold real estate and other classes of property.

History. Acts 1931, No. 169, § 57; Pope's Dig., § 11490; A.S.A. 1947, § 80-402; Acts 1999, No. 1078, § 25; 2013, No. 1155, § 7.

Amendments. The 2013 amendment deleted former (b), deleted "all" preceding "other classes" in (c) and redesignated the remaining subsections accordingly.

6-13-104. Uncertain boundaries.

(a) When there is a doubt as to the boundaries of a school district because of lost records or other uncertainty, the State Board of Education shall:

- (1) Issue an order fixing the boundaries; and
- (2) File the order with the:
 - (A) County clerk of each county where the school district lies;
 - (B) Secretary of State; and
 - (C) Arkansas Geographic Information Office.

(b) The county clerk shall make a permanent record of the order.

(c) The school district boundaries fixed under this section shall be the boundaries of the school district until changes are made according to the provisions of law.

History. Acts 1931, No. 169, § 76; Pope's Dig., § 11512; A.S.A. 1947, § 80-425; Acts 1993, No. 294, § 6; 1999, No. 1078, § 26; 2011, No. 989, § 3.

Amendments. The 2011 amendment subdivided the former section; deleted "county clerk, who shall make a perma-

nent record of the order, and thereafter the" at the end of (a)(2); inserted (a)(2)(A) through (b); in (c), added "The school district" and deleted "and the school district shall be a school district according to the provisions of this act" at the end.

6-13-111. Consolidated school districts.

(a) A school district in the State of Arkansas that is consolidated with one (1) or more school districts may:

- (1) Sell a building or real property owned by the school district that is no longer used by the school district at a fair market value;
- (2) Preserve a building or real property owned by the school district that is no longer used by the school district;
- (3) Lease a building or real property owned by the school district that is no longer used by the school district; or
- (4) Donate a building or real property owned by the school district that is no longer used by the school district as allowed under § 6-21-108(b).

(b) If the school district sells or otherwise disposes of a building or real property to a person or entity under this section, then:

- (1) The school district shall have the right of first refusal to purchase or otherwise reacquire the building or real property if the person or entity decides to sell the building or real property; and
- (2) The sale price of the building or real property when repurchased or otherwise reacquired by the school district shall not:

(A) Exceed the price that the person or entity paid the school district for the building or real property; and

(B) Include compensation for improvements to the building or real property.

(c)(1) If a school district is unable to secure a purchaser or lessor for an unused building or real property at or near fair market value, a school district shall advertise once per month for three (3) consecutive months the unused building or real property for sale or lease by the school district:

(A) In a newspaper in circulation in the county in which the unused building or real property is located; and

(B) In a newspaper with statewide circulation.

(2)(A) If an acceptable fair market value offer has not been made and accepted by the board of directors of a school district after ninety (90) days from the date of the initial advertisement, the school board may petition the circuit court in Pulaski County to issue an order declaring that it is in the best interest of the school district to dispose of the building or real property and authorizing:

(i) A bona fide sale or lease offer from a qualified purchaser or lessor, the value of which is less than fair market value; or

(ii) A public sale by auction, including the reserve purchase price.

(B) In determining whether it is in the best interest of the school district to dispose of the building or real property, the court may consider factors, including without limitation:

(i) The efforts made by the school board to market and advertise the unused building or real property; and

(ii) The projected cost to the school district of insuring and maintaining the unused building or real property.

(3) The purchase price of a building or real property by judicial order is considered a valid purchase price and may be used to determine the fair market value of unused buildings and real property in other school districts.

(d) The proceeds of the sale or lease of an unused building or real property under this section, excluding expenses, shall be used by the school district for school purposes.

History. Acts 2005, No. 2260, § 1; 2013, No. 318, § 2.

A.C.R.C. Notes. Acts 2013, No. 318, § 1, provided:

“(a) Lack of use or under-utilization of real property as a result of the consolidation of a school district can cause a significant loss of investment to the state and the communities where the real property is located.

“(b) It is in the best interest of the state and the communities where the real property is located to ensure the real property

is utilized.”

Amendments. The 2013 amendment substituted “a building or real property” for “buildings or lands” in (a)(1) and (a)(2); added “at a fair market value” at the end of (a)(1); added (a)(3) and (a)(4); substituted “real property” for “land” in the introductory language of (b); inserted “building or” twice in (b)(1), and in the introductory language of (b)(2); inserted “building or real” in (b)(2)(A) and (b)(2)(B); and added (c) and (d).

6-13-112. Responsibilities of the State Board of Education and Commissioner of Education regarding school districts under state authority.

(a) Within ten (10) days of the meeting of the State Board of Education at which the state board assumes authority of a school district or within ten (10) days of the date upon which the Commissioner of Education assumes authority of a school district, the commissioner shall provide the following information to the chairs of the House Committee on Education and the Senate Committee on Education:

(1) A clear statement of the reasons the district has been placed under the authority of the state board or the commissioner; and

(2) A clear statement of the steps necessary for the school district to remove itself from the authority of the state board or the commissioner.

(b)(1) Each quarter following the assumption of authority by the state board or commissioner, the commissioner shall provide to the chairs of the House Committee on Education and the Senate Committee on Education a status report indicating the progress of the school district toward removing itself from the authority of the state board or the commissioner.

(2) The commissioner also shall provide a copy of the status report required under subdivision (b)(1) of this section to each member of the General Assembly who represents the area in which the school district is located.

(c) A person appointed by the state board or the commissioner to operate a school district under the authority of the state board or the commissioner shall not have previously been an administrator responsible for a school district that was placed in fiscal distress, academic distress, facilities distress, or in violation of the Standards for Accreditation of Arkansas Public Schools and School Districts.

(d)(1) After a school district has been under the authority of the state board or the commissioner for two (2) consecutive school years, the commissioner shall:

(A) Conduct a review of each person appointed by the state board or commissioner to operate the school district;

(B) Determine whether the person has made satisfactory progress toward removing the school district from the authority of the state board or the commissioner; and

(C) Determine whether the person should continue to operate the school district or be replaced.

(2) The commissioner shall report the results of this review to the state board and each member of the General Assembly who represents the area in which the school district is located.

(3) The report shall include a justification of the determination made under subdivision (d)(1) of this section.

(e) Before the appointment of an interim school board, permanent school board, or community advisory board for the school district under the authority of the state board or the commissioner, the commissioner

or the state board through the commissioner shall seek recommendations for individuals to serve as members of the interim school board, permanent school board, or community advisory board from the members of the General Assembly who represent the area in which the school district is located.

History. Acts 2013, No. 1412, § 1.

SUBCHAPTER 6 — SCHOOL DISTRICT BOARDS OF DIRECTORS GENERALLY

SECTION.

6-13-604. [Repealed.]

6-13-606. [Repealed.]

6-13-608. Length of directors' terms.

6-13-617. Oath.

6-13-618. Organization — Disbursing officer.

6-13-619. Meetings.

6-13-620. Powers and duties.

6-13-628. Purchases in small communities without bids.

SECTION.

6-13-629. Training and instruction — Reimbursement.

6-13-631. Effect of minority population on election.

6-13-634. School district board of directors — Size.

6-13-635. School board review and approval of salary increases.

6-13-604. [Repealed.]

Publisher's Notes. This section, concerning an increase in the number of members of a school district board of directors, was repealed by Acts 2013, No. 1155, § 8. The section was derived from

Acts 1949, No. 214, § 1; 1979, No. 152, § 1; A.S.A. 1947, § 80-502.1; Acts 1993, No. 294, § 7; 1999, No. 1078, §§ 30, 31; 2005, No. 2151, § 11.

6-13-606. [Repealed.]

Publisher's Notes. This section, concerning a decrease in the number of members of a school district board of directors, was repealed by Acts 2013, No. 1155, § 9.

The section was derived from Acts 1967, No. 232, § 1; A.S.A. 1947, § 80-502.9; Acts 1999, No. 1078, §§ 32, 33; 2005, No. 2151, § 12.

6-13-608. Length of directors' terms.

(a) All members of a school district board of directors shall be elected to a term of office of not less than three (3) years nor more than five (5) years in length and with the expiration of such terms so arranged that, as nearly as possible, an equal number of positions are filled each year.

(b) Unless otherwise provided by law, members of a school district board of directors shall have terms of office of equal length.

(c) A member of a school district board of directors shall not serve more than one (1) full term as a holdover. If at the expiration of the holdover term a person is not elected to fill the position at the annual school election, the position is vacant and the board shall fill the vacancy as provided under § 6-13-611.

History. Acts 1981, No. 50, § 1; A.S.A. 1947, § 80-549; Acts 1999, No. 1078, § 35; 2013, No. 558, § 2.

Amendments. The 2013 amendment

inserted the (a) and (b) designations; substituted "Unless otherwise provided by law" for "All" in (b); and added (c).

6-13-617. Oath.

(a) Each director elected or appointed shall, within ten (10) days after receiving notice of his or her election or appointment, subscribe to the following oath:

"I, _____, do hereby solemnly swear or affirm, that I will support the Constitution of the United States and the Constitution of the State of Arkansas, and that I will not be interested, directly or indirectly, in any contract made by the district of which I am a director, except as permitted by state law and that I will faithfully discharge the duties as school director in _____ School District upon which I am about to enter."

(b) The county clerk, upon receipt of the oath prescribed for a director, shall immediately commission such persons, and they shall enter at once upon their duties as directors.

History. Acts 1935, No. 30, § 12; Pope's Dig., § 11532; A.S.A. 1947, § 80-505; Acts 2001, No. 1599, § 20; 2013, No. 1155, § 10.

Amendments. The 2013 amendment updated the form in (a).

6-13-618. Organization — Disbursing officer.

(a) At the first regular meeting following the later of the certification of the results of the annual school election or the certification of the results of a runoff election, the board of directors of each school district shall organize by electing:

- (1) One (1) of their number president;
- (2) One (1) of their number vice president; and
- (3) A secretary who may be, but need not be, a member of the board of directors.

(b)(1) By resolution adopted by majority vote, the board of directors shall designate one (1) of its members who shall serve as the primary board of directors disbursing officer of the school district.

(2) In addition, the board of directors may designate one (1) or more board members as an alternate board of directors disbursing officer or officers in the absence of the designated primary board of directors disbursing officer.

(3) Such a resolution must be filed with the county treasurer and the Director of the Department of Finance and Administration.

(c) No warrant or check other than food service or activity funds warrants or checks shall be valid in the absence of the following manual or facsimile signatures:

- (1) That of the designated board member serving as disbursing officer for the school district or the designated alternate; and

(2) That of the superintendent of the school district.

History. Acts 1959, No. 78, § 1; 1967, No. 187, § 1; A.S.A. 1947, § 80-506; Acts 2003, No. 671, § 1; 2013, No. 558, § 1.

Amendments. The 2013 amendment,

in (a), inserted “later of the certification of the results of the” and “or the certification of the results of a run-off election.”

6-13-619. Meetings.

(a)(1) The board of directors of a public school district shall meet:

(A) Monthly during the school term;

(B) On call of the president or secretary or any three (3) members of the board of directors; and

(C) When petitioned to meet by a verified written petition that:

(i) Is signed by fifty (50) qualified electors in the school district;

(ii) Contains the printed name and address of each qualified elector signing the petition;

(iii) Is accompanied by the verified statement of the person obtaining the signatures on the petition required under § 7-9-109; and

(iv) States the purpose for the meeting.

(2)(A) At least five (5) days before a regular monthly meeting of a board of directors, the superintendent shall notify the president of the board of directors of:

(i) All written requests to be placed on the board agenda; and

(ii) The superintendent’s recommendation concerning each request.

(B) A request to be placed on the agenda shall not be granted if placement on the agenda:

(i) Prejudices the board of directors concerning a student or personnel matter that is on the agenda for the board’s consideration of a disciplinary or employment action; or

(ii) Is in conflict with school district policy or law.

(3)(A) Except in emergency situations, regular and special meetings of the school board of directors and school board committees that deal with personnel or personnel policies shall be held after 5:00 p.m.

(B) A meeting of the school board or a school board committee that does not deal with personnel or personnel policies may occur at any time and on any day, regardless of whether there is an emergency.

(4)(A) At least ten (10) days before the date of a regular meeting of its board of directors, a public school district shall publish on the public school district’s website a notice of the date, time, and place of the meeting.

(B) At least twenty-four (24) hours before a rescheduled regular meeting, a public school district shall publish on the public school district’s website a notice of the change in the date, time, or place of the regular meeting.

(b) The secretary of a board of directors shall:

(1) Keep minutes of regular and special meetings of the board of directors, including without limitation a:

- (A) Record of the members present or not present at the meeting;
- (B) Record of the outcome of a vote; and

(C) Copy of all budgets of the school district and all reports of the county treasurer on the financial affairs of the school district; and

(2) Maintain a permanent record of the minutes.

(c)(1)(A) A board member shall be physically present at a meeting to be counted for purposes of a quorum or to vote.

(B) If a quorum is not established or maintained, a vote shall not be taken until a quorum is established or restored.

(C) A majority of a quorum voting affirmatively is required for the passage of any motion or resolution.

(D) Any member who abstains from voting shall be counted as having voted against the motion or resolution.

(E)(i) If a member announces a conflict of interest with regard to an issue, the member may leave the meeting until the voting on the issue is concluded.

(ii) A member who leaves a meeting due to a conflict of interest:

(a) Shall not be counted in the board's vote; and

(b) Shall not be considered present for the purpose of establishing a quorum until the member returns to the meeting after the vote.

(2) Except as provided under subdivision (c)(1)(E)(ii) of this section, for the purposes of this section, a quorum shall be a majority of the membership of the board of directors.

(d)(1) Any member of the board of directors who misses three (3) regular and consecutive board of directors meetings during a school year for any reason other than military service of the member or illness of the member verified by a written sworn statement of the member's attending physician may be removed from office by a majority vote of the remaining board members, but only after an opportunity for a hearing before the board of directors upon fifteen (15) days' notice received by personal delivery or by certified mail with the return receipt signed by the addressee only requested.

(2) If the board of directors takes action to remove the member from office, the remaining members shall then appoint another individual to serve until the next annual school election, when electors shall select in the usual manner a director to serve the unexpired term of the removed member.

History. Acts 1931, No. 169, § 96; Pope's Dig., § 11534; Acts 1983, No. 855, § 1; A.S.A. 1947, § 80-507; Acts 1993, No. 608, § 1; 1995, No. 1347, § 1; 2007, No. 1588, § 1; 2013, No. 559, § 1.

Amendments. The 2013 amendment rewrote (a) through (c).

6-13-620. Powers and duties.

The board of directors of each school district in the state is charged with the following powers and required to perform the following duties

in order to provide no less than a general, suitable, and efficient system of free public schools:

- (1) Attend meetings of the school board;
- (2) Determine the mission and direction of the school district;
- (3) Adhere to state and federal laws governing public schools;
- (4) Enact, enforce, and obey school district policies;
- (5)(A) Employ staff, including:

(i)(a) A superintendent of schools to oversee the day-to-day operations of the school district.

(b) A superintendent shall be evaluated annually or no less often than prior to any extension of his or her employment contract.

(c) Superintendents and assistant superintendents may be employed under contract terms and conditions that incorporate all elements prescribed by the State Board of Education; and

(ii)(a) School district employees under initial written employment contracts in the form prescribed by the State Board of Education, not including day-to-day substitutes.

(b) The employment contract shall:

(1) State the duration of employment, specific duties of the employee and the annual salary or hourly wage of the employee and projected annual earnings in the case of nonexempt employees under applicable state and federal law; and

(2) Incorporate all personnel policies adopted by June 30 to be in effect on July 1 of the following employee contract year, subject to the requirements and exceptions contained in §§ 6-17-204 and 6-17-205.

(B) Copies of initial written employment contracts and renewed written employment contracts issued in accordance with §§ 6-17-1506 and 6-17-1703 shall be distributed as follows:

(i) One (1) copy to be given to the employee;

(ii) One (1) copy to be retained by the school board of directors; and

(iii) One (1) copy to be retained by the school district's treasurer or bookkeeper;

(6) Understand and oversee school district finances required by law to ensure alignment with the school district's academic and facility needs and goals, including without limitation:

(A) Reviewing, adopting, and publishing the school district's budget;

(B) Overseeing and monitoring the school district finances, including:

(i) Revenues;

(ii) Expenditures;

(iii) Investments;

(iv) Debts;

(v) Obligations;

(vi) Inventory; and

(vii) Real property;

(C) Borrowing money as necessary, but in no case shall the school board of directors permit the school district to end the fiscal year with a negative legal balance;

(D) Entering into contracts for goods and services necessary to operate the school district;

(E) Buying, selling, renting, and leasing real property and personal property on behalf of the school district;

(F) Receiving, reviewing, and approving each annual financial audit report and presenting it to the public;

(7) Ensure that:

(A) Necessary and sufficient facilities are built or obtained, furnished, and maintained; and

(B) All properties belonging to the district are managed and maintained for the benefit of the school district;

(8) Approve the selection of curriculum and ensure that students are offered and taught the courses of study and educational content required by the State Board of Education;

(9) Visit district schools and classrooms when students are present no less than annually and attend some events and functions;

(10) Obtain the training and professional development necessary to serve as active and informed members of the school board of directors; and

(11) Do all other things necessary and lawful for the conduct of efficient free public schools in the school district.

History. Acts 1931, No. 169, § 97; Pope's Dig., § 11535; Acts 1939, No. 316, § 1; 1941, No. 389, § 1; 1943, No. 96, § 1; 1949, No. 287, § 1; 1953, No. 204, § 1; 1957, No. 280, § 1; 1969, No. 327, § 1; 1973, No. 253, § 3; 1973, No. 690, § 1; 1977, No. 658, § 1; 1983 (Ex. Sess.), No. 41, § 1; 1983 (Ex. Sess.), No. 53, § 1; A.S.A. 1947, § 80-509; Acts 1989, No. 822, § 1; 1993, No. 294, § 7; 1995, No. 233, § 1; 1999, No. 391, § 3; 1999, No. 1078, § 38; 2001, No. 581, § 1; 2001, No. 1747,

§ 1; 2003, No. 1738, § 1; 2007, No. 617, §§ 5, 6; 2007, No. 710, § 1; 2007, No. 1573, § 45; 2009, No. 1180, § 2.

A.C.R.C. Notes. Acts 2009, No. 1180, § 4, provided: "The document attached hereto titled 'Prologue' contains the findings concerning the history of school board functions. The document, 'Prologue', shall be filed in the journals of the House and Senate."

Amendments. The 2009 amendment rewrote the section.

6-13-628. Purchases in small communities without bids.

Whenever any school in a school district in any county of this state having a population of less than six thousand (6,000), according to the most recent federal census, is located in a community in which there is only one (1) store selling school supplies or furnishings, the school district may purchase such supplies or furnishings from the store irrespective of any laws of this state regarding the taking of bids for school purchases.

History. Acts 1959, No. 80, § 1; A.S.A. 1947, § 80-539; Acts 2009, No. 285, § 1.

Amendments. The 2009 amendment deleted "or laws prohibiting the selling of

supplies and furnishings to any school district by a member of the school district board of directors" following "school purchases."

6-13-629. Training and instruction — Reimbursement.

(a)(1)(A) A member of a local school district board of directors who has served on the board of directors for twelve (12) or more consecutive months shall obtain no less than six (6) hours of training and instruction by December 31 of each calendar year.

(B) A member of a school district board of directors elected for an initial or non-continuous term shall obtain:

(i) No less than nine (9) hours of training and instruction by December 31 of the calendar year following the year in which the member is elected; and

(ii) The training or instruction under subdivision (a)(2)(B) of this section within the first fifteen (15) months of service on the board of directors.

(2)(A) The training and instruction required under this section shall include topics relevant to school laws, school operations, and the powers, duties, and responsibilities of the members of the board of directors, including without limitation:

(i) Legal requirements, including without limitation:

(a) The items listed or required by the Legislative Joint Auditing Committee under § 6-1-101; and

(b) Other financial laws or regulations designated by the Department of Education;

(ii) Role differentiation;

(iii) Financial management, including without limitation how to read and interpret an audit report; and

(iv) Improving student achievement.

(B) The training or instruction on how to read and interpret an audit report:

(i) Shall be conducted by a person who:

(a) Is licensed to practice accounting by the Arkansas State Board of Public Accountancy;

(b) Has prior experience in conducting a school district financial audit;

(c) Is not an employee of the Division of Legislative Audit unless the training or instruction is conducted for the boards of directors of multiple school districts; and

(d) Is not the person conducting the annual audit or other financial audit of the school district unless the training or instruction is presented in a large group setting sponsored by a statewide or regional organization that is attended by multiple school districts; and

(ii) May be conducted by electronic means or in person or both.

(3) Hours of training and instruction obtained in excess of the minimum requirements each year may accumulate and be carried forward from year to year.

(4) This instruction may be received from an institution of higher learning in this state, from instruction sponsored or approved by the

Department of Education, or by an in-service training program conducted by or through the Arkansas School Boards Association.

(5) A school district shall maintain a record of hours of training and instruction for board members, which may be in the form of an attested, cumulative annual report from the training providers and which shall be subject to verification and inspection during the school district's annual audit.

(b) Local school district boards of directors are authorized to pay per diem and other necessary expenses from funds belonging to the school district and to reimburse school board directors for expenses incurred in attending in-service workshops, conferences, and other courses of training and instruction required in completing the training and instruction as required in subsection (a) of this section.

(c)(1) The State Board of Education shall promulgate rules, which may be included in the Standards for Accreditation of Arkansas Public Schools and School Districts, requiring that a statement of the hours of training and instruction obtained by each member of a school district board of directors in the preceding year be:

(A) Part of the comprehensive school plan and goals;

(B) Published in the same way that other components of the comprehensive school plan and goals are required to be published; and

(C) Made a part of the annual school performance report under § 6-15-1402.

(2) The state board shall promulgate rules as necessary to carry out the provisions and intent of this section.

History. Acts 1987, No. 767, §§ 1, 2; inserted (a)(1)(B)(ii); rewrote present 2005, No. 1775, § 1; 2011, No. 1213, § 1. (a)(2)(A); and inserted (a)(2)(B).

Amendments. The 2011 amendment

6-13-631. Effect of minority population on election.

(a) The qualified electors of a school district having a ten percent (10%) or greater minority population out of the total population, as reported by the most recent federal decennial census information, shall elect the members of the board of directors as authorized in this section, utilizing selection procedures in compliance with the federal Voting Rights Act of 1965, as amended.

(b)(1) At least ninety (90) days before the election, the local board of directors shall:

(A) By resolution, choose to elect members of the board of directors from five (5) or seven (7) single-member zones or from five (5) single-member zones and two (2) at large; and

(B) With the approval of the controlling county board of election commissioners, divide each school district having a ten percent (10%) or greater minority population into five (5) or seven (7) single-member zones in accordance with the federal Voting Rights Act of 1965, as amended.

(2) Zones shall have substantially equal population, with boundaries based on the most recent available federal decennial census information.

(c) A board of directors choosing to elect members of the board of directors by five (5) single-member zones and two (2) at-large positions may fill the two (2) at-large positions by drawing lots from among the current members of the board of directors.

(d)(1)(A) A candidate for election from a single-member zone must be a qualified elector and a resident of the zone.

(B) A candidate for an at-large position must be a qualified elector and a resident of the school district.

(2)(A) Except as provided in subsection (e) of this section, a member of a school district board of directors shall serve a five-year term.

(B) A term shall commence when the county court declares the results of the election by an order entered of record.

(e) At the first meeting of a new board of directors, the members shall establish initial terms by lot so that, to the extent possible, an equal number of positions are filled each year and not more than two (2) members' terms expire each year.

(f)(1) At least one hundred (100) days before the second annual school election after each federal decennial census, the school district board of directors, with the approval of the county board of election commissioners of the county where the school district is administratively domiciled, shall:

(A) Divide each school district having a ten percent (10%) or greater minority population into single-member zones; and

(B)(i) File a copy of the plan with the county clerk of the county where the school district is administratively domiciled.

(ii) The plan filed with the clerk shall include a map showing the boundaries of the zones and documentation showing the population by race in each zone.

(2) The zones shall be based on the most recent federal decennial census information and be substantially equal in population.

(3) At the annual school election following the rezoning, a new school board of directors shall be elected in accordance with procedures set forth in this section.

(g)(1) The following school districts shall be exempt from the provisions of this section:

(A) A school district that is currently operating under a federal court order enforcing school desegregation or the federal Voting Rights Act of 1965, as amended;

(B) A school district that is operating under a preconsolidation agreement that is in compliance with the federal Voting Rights Act of 1965, as amended;

(C) A school district that has a zoned board of directors meeting the requirements of the federal Voting Rights Act of 1965, as amended; and

(D) A school district that a federal court has ruled is not in violation of the federal Voting Rights Act of 1965, as amended, so long as the court order is in effect.

(2) A school district which on August 13, 1993, was in the process of defending a lawsuit brought under the federal Voting Rights Act of 1965, as amended, shall also be exempt from the provisions of this section until such time as the lawsuit has been finally resolved.

(3)(A) A school district released from operating under a federal court order enforcing school desegregation shall comply with the provisions of this section.

(B) The school district shall use the most recent federal decennial census information to create zones pursuant to this section within one hundred eighty (180) calendar days after the release from the court order.

(h)(1) On or before August 1, 2002, and every decade thereafter, each and every school district shall submit to the Department of Education a letter stating whether or not its school board of directors falls under this section. In that same letter, each school district that falls under this section shall state how it has complied with this section. Furthermore, in the same letter, any school district that believes that it is exempt from this section shall state under which provision it is exempt.

(2) The department shall withhold twenty percent (20%) of the annual state funds allocation to a school district not in compliance with this section.

(i) The State Board of Education is hereby authorized to adopt rules and regulations necessary for the implementation of this section.

History. Acts 1993, No. 786, § 1; 1993, No. 1169, § 1; 1994 (2nd Ex. Sess.), No. 57, § 2; 1994 (2nd Ex. Sess.), No. 58, § 2; 1999, No. 1078, § 39; 2001, No. 1716, § 1; 2009, No. 959, § 1; 2011, No. 981, § 2; 2013, No. 968, § 1.

Amendments. The 2009 amendment subdivided (f); and rewrote (f)(1).

The 2011 amendment deleted “Beginning with the 1994 annual school election” at the beginning of (a).

The 2013 amendment, in (f)(1), inserted “of the county ... domiciled,” substituted “one hundred (100)” for “ninety (90)” and “school district” for “local”; and inserted “filed with the clerk” in (f)(1)(B)(ii).

CASE NOTES

Rezoning of Boundaries.

Voters who prevailed on a claim against a school district for failing to adopt new district lines following the census, in violation of this section, were not entitled to prevailing party attorney’s fees because the trial court clearly awarded relief

solely under this section, which did not provide for attorney’s fees. *Fluker v. Helena*, 2012 Ark. 327, — S.W.3d — (2012).

Cited: *Helena-West Helena Sch. Dist. v. Fluker*, 371 Ark. 574, 268 S.W.3d 879 (2007).

6-13-634. School district board of directors — Size.

(a) A school district shall have a board of directors with five (5) members or seven (7) members, or nine (9) members in the case of a

school district having an average daily attendance of twenty-four thousand (24,000) or more.

(b)(1) Subsection (a) of this section does not apply to those school districts that have a board of directors of seven (7) members, or in the case of a school district having an average daily attendance of twenty-four thousand (24,000) or more, nine (9) members, if that school district is operating under a court order or a consolidation agreement that provides for a board of directors.

(2) Except as otherwise provided by law, a school district that elects its directors from single-member zones is subject to the requirements of this section.

(c)(1) A school district board of directors shall not have an even number of directors.

(2) No less than ninety (90) days before the next annual school election, a school district seeking to increase or decrease the number of its directors shall file a petition with the State Board of Education to establish the requisite odd number of directors.

(3) The school district shall publish notice of the filing of the petition within ten (10) days thereafter for one (1) insertion in a newspaper having a general circulation in the school district.

(4) Upon a showing that the increase or decrease will be for the benefit of the school district petitioning for it, the State Board of Education may enter an order to increase or decrease the number of directors for the school district to a number of directors provided under subsection (a) of this section.

(5) The order directing an increase or decrease shall be entered not more than sixty (60) days after the publication of the notice under subdivision (c)(3) of this section.

(6) If the number of members of a board of directors is decreased under this section, the board of directors in office on August 12 before the next regular school election shall draw lots to determine which board positions will be eliminated.

(d) Any change in the number of directors serving on a school district board of directors under this section is effective upon the directors' taking office following the next regular annual school election.

History. Acts 1999, No. 1078, § 29; 2005, No. 2151, § 13; 2013, No. 1155, § 11.

Amendments. The 2013 amendment added (b)(2); substituted "A school district board of directors shall not" for "No board of directors shall" in (c)(1); substituted "a school district seeking to increase or decrease the number of its directors shall" for "any school district with an even num-

ber of directors shall" in (c)(2); inserted (c)(3) through (c)(5); in (c)(6), substituted "is decreased under this section" for "needs to be reduced to create an odd number of directors" and "before the next regular school election" for "2005"; in (d), substituted "a school district" for "the local school" and "next regular" for "2005"; and made stylistic changes to the section.

6-13-635. School board review and approval of salary increases.

(a) As used in this section, "salary increase" means an increase in the salary paid to a school district employee for performing substantially the same job functions as the employee performed before receiving the salary increase.

(b)(1)(A) A school district board of directors shall review and approve by a written resolution an increase in salary of five percent (5%) or more for a school district employee.

(B) The resolution shall include the reasons for the salary increase, which may include without limitation:

(i) A bonus that is not added to the employee's salary;

(ii) An incentive bonus provided:

(a) For National Board for Professional Teaching Standards certification under § 6-17-413;

(b) To a certified speech-language pathologist under § 6-17-413;

(c) For teacher recruitment or retention in high-priority school districts under § 6-17-811;

(d) To a master principal under § 6-17-1603; or

(e) Under another specific provision of law; or

(iii) An increase in salary received as a result of the school district employee moving into a new position with substantially different job functions.

(2)(A) The school district shall provide a certified copy of the written resolution required under this subsection to the auditor who conducts the annual financial audit of the school district.

(B) Within thirty (30) days following the date of an audit report in which an auditor notes noncompliance under this section, the school district shall provide a copy of the audit report to the Department of Education.

(C) Annually by October 1, the department shall:

(i) Compile a list of the reports of noncompliance received under this section; and

(ii) Provide the list to the House Committee on Education and the Senate Committee on Education.

History. Acts 2013, No. 1120, § 1.

SUBCHAPTER 7 — SCHOOL DISTRICT TREASURER**SECTION.**

6-13-701. Powers and duties.

6-13-701. Powers and duties.

(a) The board of directors of any school district in Arkansas is authorized to appoint a treasurer to handle the funds of the school district.

(b) The treasurer shall be appointed at a regular meeting of the board of directors.

(c) An executed certificate of appointment shall be filed with the county clerk, the county treasurer, and the Director of the Department of Finance and Administration.

(d) School district treasurers shall execute a surety bond in such amount as may be required by the director, who shall approve the bond. The premium on the bond shall be paid out of the funds of the school district.

(e) The duties of the school district treasurer shall be as follows:

(1)(A) To receive and disburse funds of the school district. Disbursements of such funds shall be made only upon:

(i) Checks or warrants signed by the disbursing officer of the school district board of directors and by the superintendent of the school district; or

(ii) The electronic transfer of funds if the electronic transfer is:

(a) Initiated by the school district; and

(b) Authorized in writing by both the disbursing officer of the board of directors and the superintendent of the school district.

(B) As an evidence of authority for disbursement of any funds, the school district treasurer shall have on hand approved:

(i) Invoices;

(ii) Payrolls that conform with written contracts on file in his or her office; and

(iii) Other appropriate documentation that indicates an authority for disbursement;

(2) To keep a record of all financial transactions of the school district on forms approved by the Department of Education and the Division of Legislative Audit;

(3) To make a monthly statement to the school district board of directors of the financial condition of the school district;

(4) To submit an annual statement of the affairs of the school district to the school district board of directors in July of each year;

(5) To make such financial reports to the Department of Education as are required by law;

(6) To not be interested directly or indirectly in any contract authorized by the school district board of directors;

(7) To make his or her records available at all times for inspection by any taxpayer of the school district; and

(8) To perform all duties now imposed by law upon the treasurer of a school district and to be subject to all regulations.

(f)(1)(A) All local taxes of the school district shall be remitted to the county treasurer by the county collector.

(B) The county treasurer shall remit the funds in a timely manner to the school district treasurer in those school districts maintaining a school district treasurer.

(2) The school district treasurer shall issue duplicate receipts for all funds he or she receives. The original shall be transmitted to the party making the remittance, and the duplicate shall be kept by the school district treasurer.

(g)(1) As used in this section, “activity funds” means those funds whose sources of revenues are from:

(A) The sale of tickets to athletic contests or other school-sponsored activities;

(B) The sale of food, except that which is sold in the lunchroom;

(C) The sale of soft drinks, school supplies, and books; and

(D) Fees charged by clubs and organizations.

(2)(A) All school districts may maintain activity funds and school service funds at the school.

(B) All activity funds and school food service funds shall be maintained and accounted for in accordance with guidelines and procedures established by the Department of Education.

(C) The superintendent of the school maintaining activity funds and school food service funds shall be the official custodian of all activity funds and school service funds and shall be responsible and accountable for the funds.

(D) By resolution adopted by a majority vote of the local school district board of directors, the superintendent may appoint another school employee to be the cocustodian of any or all activity funds and school food service funds.

(E) The cocustodian shall also be responsible and accountable for activity funds and school food service funds maintained by the cocustodian.

(h) The county treasurer shall receive as commission for handling the funds of such school districts only one-fourth of one percent (.25%) of all funds passing through his or her hands on which county treasurers are authorized by law to charge commissions.

(i) The records of the school district treasurers shall be audited by the division annually in the same manner as now provided for the auditing of county officials.

(j) The fraudulent use by the school district treasurer of any funds of the school district or by any school board members shall constitute a Class C felony. Upon conviction, such person shall be ordered to pay in restitution an amount double the amount involved.

History. Acts 1943, No. 269, §§ 1-7; A.S.A. 1947, §§ 80-521 — 80-527; Acts 1987, No. 764, § 2; 1993, No. 294, § 7; 1995, No. 233, § 2; 1999, No. 1078, § 40; 2005, No. 1994, § 418; 2009, No. 376, § 7; 2011, No. 989, § 4.

Amendments. The 2009 amendment redesignated the text in (f)(1); and in-

serted “county” preceding “collector” in (f)(1)(A).

The 2011 amendment subdivided (e)(1); rewrote (e)(1)(A)(i); inserted (e)(1)(A)(ii); substituted “the school district treasurer” for “he or she” in (e)(1)(B); and added (e)(1)(B)(iii).

SUBCHAPTER 9 — PUBLIC SCHOOL EDUCATIONAL COOPERATIVE ACT

6-13-902. Definitions.

CASE NOTES

Educational Cooperative.

Educational cooperative, unless covered by liability insurance for the damages alleged in a complaint against it, was immune from liability and from suit for

damages under § 21-9-301 because it was an agency of a school district. Ark. River Educ. Servs. v. Modacure, 371 Ark. 466, 267 S.W.3d 595 (2007).

6-13-904. Agents for school districts.

CASE NOTES

Immunity From Suit.

Educational cooperative, unless covered by liability insurance for the damages alleged in a complaint against it, was immune from liability and from suit for

damages under § 21-9-301 because it was an agency of a school district. Ark. River Educ. Servs. v. Modacure, 371 Ark. 466, 267 S.W.3d 595 (2007).

SUBCHAPTER 10 — EDUCATION SERVICE COOPERATIVE ACT

SECTION.

6-13-1003. Boundaries — Adjustments.

6-13-1005. Alteration of boundaries.

6-13-1010. Director.

6-13-1011. Personnel generally.

6-13-1013. Policies, rules, and regulations.

6-13-1020. Policies and procedures — Expenditures, reports, and audits.

SECTION.

6-13-1021. Evaluations — Performance rating.

6-13-1027. Fiscal distress.

6-13-1028. Fiscal distress plan.

6-13-1029. Fiscal distress actions.

6-13-1030. Removal from fiscal distress status.

6-13-1031. Appeal.

6-13-1002. Education service cooperatives established — Functions.

CASE NOTES

Immunity.

Educational cooperative, unless covered by liability insurance for the damages alleged in a complaint against it, was immune from liability and from suit for

damages under § 21-9-301 because it was an agency of a school district. Ark. River Educ. Servs. v. Modacure, 371 Ark. 466, 267 S.W.3d 595 (2007).

6-13-1003. Boundaries — Adjustments.

(a) The State Board of Education shall establish tentative boundaries for the system of education service cooperatives authorized by this subchapter.

(b) These education service cooperatives shall be established so that:

(1) They include at least three (3) but no more than nine (9) counties;

(2) They include at least ten (10) but no more than thirty-five (35) school districts;

(3) They include at least twenty thousand (20,000) pupils in kindergarten through grade twelve (K-12) average daily membership;

(4) They include at least one (1) postsecondary education institution; and

(5) There is no more than fifty (50) miles distance or approximately one (1) hour driving time to the area's main offices for ninety percent (90%) of the school districts.

(c) The state board may make adjustments in the boundaries when criteria such as minimum average daily membership and maximum driving distances conflict. However, no more than four (4) of the areas formed may contain fewer than twenty thousand (20,000) students. In no case shall any education service cooperative be established with fewer than twelve thousand (12,000) pupils.

History. Acts 1985, No. 349, § 3; A.S.A. substituted "kindergarten" for "kindergarten" in (b)(3).
1947, § 80-489.2; Acts 2011, No. 981, § 3.

Amendments. The 2011 amendment

6-13-1005. Alteration of boundaries.

(a) The State Board of Education, upon the request of one (1) or more school district boards of directors, and consistent with the provisions of § 6-13-1003, may alter the boundaries of a proposed or operational education service cooperative when it determines such alteration to be in the best interest of the school districts in the education service cooperatives involved.

(b) Consistent with § 6-13-1003, a member of an education service cooperative formed after January 1, 1984, under The Public School Educational Cooperative Act of 1981, § 6-13-901 et seq., may not be moved to another education service cooperative without that member's consent.

History. Acts 1985, No. 349, § 5; A.S.A. 1947, § 80-489.4; Acts 2009, No. 376, § 8.
Amendments. The 2009 amendment rewrote (b).

6-13-1010. Director.

(a) Each education service cooperative shall be administered by a director who shall perform the following duties:

(1) Administer the programs and services of the education service cooperative;

(2) Recommend the employment of professional and nonprofessional personnel authorized by the education service cooperative's governing body;

(3) Prepare the budget for adoption by the education service cooperative's governing body;

(4) Direct expenditures of funds within the budget; and

(5) Perform other duties as required by the education service cooperative's governing body and the policies, rules, and regulations of the State Board of Education.

(b) The director of each education service cooperative shall:

(1) Hold an administrator's license and meet all requirements to serve as a superintendent of schools in the State of Arkansas; or

(2) Have an equivalent level of education and administrative experience and obtain the approval of the state board.

(c) The governing body of any education service cooperative may enter into a contract with a director for a period not to exceed three (3) years.

History. Acts 1985, No. 349, § 16; A.S.A. 1947, § 80-489.15; Acts 2009, No. 376, § 9; 2013, No. 1073, § 5; 2013, No. 1138, § 7.

The 2013 amendments by Nos. 1073 and 1138 substituted "license" for "certificate" in (b)(1).

Amendment. The 2009 amendment inserted "state" in (b)(2).

6-13-1011. Personnel generally.

(a)(1) Personnel of education service cooperatives shall be employed in accordance with laws, rules, regulations, and procedures applicable to the school districts of this state.

(2) In lieu of a salary schedule, an education service cooperative annually may submit to the Department of Education a complete listing of all employees of the education service cooperative and each employee's position, salary, and benefits.

(b) License requirements shall be the same as those expected of persons holding similar positions in local school districts.

(c) Termination or contract nonrenewal of education service cooperative personnel shall be as provided by law for the school district personnel.

History. Acts 1985, No. 349, § 17; A.S.A. 1947, § 80-489.16; Acts 2009, No. 1289, § 1; 2013, No. 1073, § 6; 2013, No. 1138, § 8.

"(b) Licensure requirements shall be the same as those expected of persons holding similar positions in local school districts."

A.C.R.C. Notes. Pursuant to § 1-2-207, this section is set out above as amended by Acts 2013, No. 1138. Acts 2013, No. 1073, amended (b) to read as follows:

Amendments. The 2009 amendment added (a)(2).

The 2013 amendment by No. 1138 substituted "License" for "Certificate" in (b).

6-13-1013. Policies, rules, and regulations.

(a) The State Board of Education shall develop such policies, rules, and regulations as may be needed for the proper administration of this subchapter consistent with the need to support and assist education service cooperatives in the delivery of services to school districts and with prudent use of available human and financial resources.

(b) The policies and rules shall include without limitation:

- (1) The rules governing the operation of an education service cooperative within appropriate state and federal laws;
- (2) Guidelines for settling possible disputes between school districts and in equity or jurisdictional matters relating to shared assets and services;
- (3) The obligation of an education service cooperative board of directors for overseeing administrative and program expenditures; and
- (4) The fiscal distress status of an education service cooperative under §§ 6-13-1027 — 6-13-1031.

History. Acts 1985, No. 349, § 14; A.S.A. 1947, § 80-489.13; Acts 2009, No. 1289, § 2.
Amendments. The 2009 amendment rewrote (b).

6-13-1020. Policies and procedures — Expenditures, reports, and audits.

(a) On or before August 31 of each year, each education service cooperative shall file with the State Board of Education for the state board's approval:

(1) The policies and procedures of the education service cooperative, including without limitation the board of directors' policies and procedures for overseeing the administrative and program expenditures of the education service cooperative;

(2) A record of the education service cooperative's employment policies and practices for the year that includes without limitation:

(A) The race and sex of each person the education service cooperative employed or terminated during the year;

(B) The race and sex of every person who sought employment with the education service cooperative during the year; and

(C) The name of each person employed by the education service cooperative during the year who is related by blood or marriage to another employee or board member of the education service cooperative; and

(3)(A) A report of its receipts and expenditures made in accordance with uniform accounting procedures adopted by the Commissioner of Education.

(B) The report shall contain without limitation:

(i) An itemization of administrative and program expenditures; and

(ii) The result of the board of directors' review of the expenditures made under its oversight function.

(b) The Department of Education may prescribe the forms and procedures for filing the information required by subsection (a) of this section.

(c) Each education service cooperative is subject to an annual audit by the Legislative Joint Auditing Committee.

(d)(1)(A) In an annual meeting of the board of directors which must convene between May 15 and July 15, each education service coop-

erative shall report to its constituent school districts on the year's operations.

(B) The report also shall include information on fiscal distress under § 6-13-1027.

(2) The education service cooperative shall supplement its report with written reports to each school district and to the department on a school-by-school, service-by-service accounting basis.

(e) Following the end of each fiscal year, any balances in particular service accounts must be apportioned and returned to the schools involved or credited to their accounts for the following year.

History. Acts 1985, No. 349, § 19; A.S.A. 1947, § 80-489.18; Acts 1989, No. 610, § 1; 2009, No. 1289, § 3. **Amendments.** The 2009 amendment rewrote the section.

6-13-1021. Evaluations — Performance rating.

(a) Each education service cooperative shall be evaluated during the 2012-2013 school year, and at least once within each five-year period, on a schedule established by the Commissioner of Education, all active education service cooperatives must be visited by an evaluation committee of not more than nine (9) persons.

(b)(1)(A) Each evaluation shall include, but not be limited to, an investigation of user satisfaction, service adequacy, extent of local financial support, staff qualifications, and performance and administration effectiveness.

(B) The final evaluation, including any self-evaluation, shall be included in the annual report to the Department of Education, § 6-13-1020, and made available on the website of the education service cooperative.

(2)(A) The evaluation criteria shall be developed collaboratively between the department and the director of each education service cooperative.

(B) The evaluation criteria shall be fully implemented by September 1, 2012.

(c)(1) The report of this committee shall be filed with the education service cooperative visited, with its constituent school districts, and with the State Board of Education.

(2) The state board shall acknowledge receipt of the report and comment on any deficiencies identified in the report that should be corrected for the education service cooperative to remain eligible for base funding.

(3) The report shall identify each education service cooperative as being in one (1) of the following category levels, based on the evaluation:

(A) "Level 5", education service cooperative of excellence;

(B) "Level 4", education service cooperative exceeding standards;

(C) "Level 3", education service cooperative meeting standards;

(D) "Level 2", education service cooperative on alert; or

(E) "Level 1", education service cooperative in need of immediate improvement.

(d)(1) The intent of this evaluation procedure is to provide a means for school districts to express their concerns about the operation of their education service cooperative and to ensure that each education service cooperative remains alert and responsive to the needs of the local schools it serves.

(2) An education service cooperative that receives a performance category level of level 1 shall be reevaluated during the evaluation cycle the following year.

(3) For all education service cooperatives that receive a performance category level of level 1 for two (2) consecutive years, the department shall:

(A) Withhold base funding to the education service cooperative; or

(B) Take over administration of the education service cooperative.

(e) The department shall promulgate rules necessary for implementing this section.

(f)(1) For each evaluation, the commissioner shall appoint the committee and designate its chairperson.

(2) The committee shall include the following from outside the boundary of the education service cooperative being evaluated:

(A) A Department of Education staff member;

(B) A teacher;

(C) An administrator;

(D) A college staff member; and

(E) A present or former staff member of an area education service agency.

(3) In addition, the committee shall include from within the education service cooperative's area:

(A) A member of the school district board of directors;

(B) A representative of business and industry; and

(C) A school parent from each of two (2) school districts.

(4) Each education service cooperative shall pay the reasonable costs of its evaluation.

History. Acts 1985, No. 349, § 19; A.S.A. 1947, § 80-489.18; Acts 2009, No. 376, § 10; 2011, No. 739, § 1.

Amendments. The 2009 amendment, in (c)(2), inserted "state" and "education service," and made a minor stylistic change.

The 2011 amendment added "Performance rating" in the section head; added

"Each education service cooperative shall be evaluated during the 2012-2013 school year and at least once" at the beginning of (a); added (b)(1)(B) and (b)(2); added (c)(1)(3); added (d)(2) and (3); added (e); and redesignated former (e) as (f).

6-13-1027. Fiscal distress.

(a) As used in this section:

(1) "Fiscal integrity" means the education service cooperative's ability to comply completely, accurately, and timely with financial management, accounting, auditing, and reporting procedures required by state or federal law and regulations; and

(2) "Material" means that the act, omission, or violation jeopardizes the fiscal integrity of the education service cooperative.

(b) Any education service cooperative that meets one (1) or more of the following criteria may be identified by the Department of Education as being in fiscal distress upon final approval of the State Board of Education:

(1)(A) A declining balance that jeopardizes the fiscal integrity of the education service cooperative.

(B) The department shall not use capital outlay expenditures from the education service cooperative's balance for facilities to identify the education service cooperative as being in fiscal distress;

(2) A material failure to meet the education service cooperative's obligation to maintain the education service cooperative's facilities;

(3) A material violation of local, state, or federal law or regulations relating to:

(A) Fire, health, or safety codes;

(B) Construction codes;

(C) Audit requirements; or

(D) Procurement, bidding, and purchasing requirements;

(4) A material failure to provide timely and accurate legally required financial reports to the department, the Division of Legislative Audit, the General Assembly, or the Internal Revenue Service;

(5) A material failure to maintain sufficient funds to cover payroll, salary, employment benefits, or legal tax obligations;

(6) A material default on any debt obligation;

(7) A material discrepancy between budgeted and actual expenditures; or

(8) Any other fiscal condition of the education service cooperative that the department determines materially impacts the education service cooperative's delivery of education services.

(c)(1) The department may identify an education service cooperative as being in fiscal distress at any time a fiscal condition of the education service cooperative is discovered to have a detrimental negative impact on the continuation of educational services provided by the education service cooperative.

(2)(A) If the department identifies an education service cooperative as being in fiscal distress, the department shall notify the education service cooperative in writing of the identification of fiscal distress within ten (10) calendar days.

(B) The department shall identify in the notice each criteria for fiscal distress on which the department based the identification of fiscal distress.

(C) The department shall deliver the notice by certified mail, return receipt requested, and addressed to:

(i) The president of the education service cooperative's board of directors; and

(ii) The director of the education service cooperative employed under § 6-13-1010.

(d) The identification of fiscal distress made by the department under this section may be appealed to the state board under § 6-13-1031 in which case the final order entered upon appeal is the final classification of fiscal distress.

(e) Within two (2) weeks following the date the education service cooperative receives the final classification by the state board of fiscal distress, the education service cooperative shall:

(1) Notify in writing each public school district in its service area that the education service cooperative is classified as being in fiscal distress; and

(2) File with the department a fiscal distress plan under § 6-13-1028.

(f) An education service cooperative that is identified as being in fiscal distress shall not incur any debt without the prior written approval of the department.

(g) The education service cooperative shall include in the annual report to constituent school districts under § 6-13-1020(d) the progress the education service cooperative had made on its fiscal distress plan.

History. Acts 2009, No. 1289, § 4.

6-13-1028. Fiscal distress plan.

(a) An education service cooperative that is classified by the State Board of Education as being in fiscal distress shall file with the Department of Education a fiscal distress plan that:

(1) Addresses each area of fiscal distress identified by the department;

(2) Describes how the education service cooperative will remedy the areas experiencing fiscal distress; and

(3)(A) Establishes the schedule by which the education service cooperative will implement the fiscal distress plan.

(B) The fiscal distress plan implementation schedule shall not exceed two (2) years from the date of the final classification of fiscal distress.

(b) The department shall approve the fiscal distress plan before the education service cooperative implements the fiscal distress plan.

(c) An education service cooperative identified as being in fiscal distress is required to receive on-site technical evaluation and assistance from the department.

History. Acts 2009, No. 1289, § 4.

6-13-1029. Fiscal distress actions.

(a) To address the identified areas of fiscal distress of an education service cooperative, the Department of Education shall:

(1)(A) Conduct an on-site evaluation and make recommendations regarding the staffing and fiscal practices of the education service cooperative.

(B) The recommendations of the department are binding on the education service cooperative;

(2) Every six (6) months during which the education service cooperative is classified as being in fiscal distress, submit to the state board a written evaluation on the fiscal status of the education service cooperative;

(3) Monitor the fiscal operations and accounts of the education service cooperative; and

(4) Require the education service cooperative administrative staff and employees to obtain instruction or training in areas of fiscal concern for the education service cooperative.

(b) The department also may take one (1) or more of the following actions:

(1) Reorganize the administrative unit of the education service cooperative by:

(A)(i) Removing and replacing the director of the education service cooperative employed under § 6-13-1010.

(ii) An individual appointed to replace the director shall administratively operate the education service cooperative under the supervision and approval of the Commissioner of Education.

(iii) The department may compensate nondepartment agents operating the education service cooperative from the education service cooperative's funding; and

(B) Removing, replacing, or reassigning other administrative staff of the education service cooperative; or

(2) Impose reporting requirements on the education service cooperative.

(c) Within two (2) consecutive school years of the State Board of Education's final classification of fiscal distress, the department shall determine whether to recommend that the education service cooperative be removed from fiscal distress status.

History. Acts 2009, No. 1289, § 4.

6-13-1030. Removal from fiscal distress status.

(a) The Department of Education shall certify in writing to the education service cooperative that the education service cooperative may be removed from fiscal distress status when the department determines that the education service cooperative has:

(1) Corrected all of the criteria under § 6-13-1027 that led to the classification of fiscal distress; and

(2) Complied with all department recommendations and requirements for removal from fiscal distress status.

(b)(1) Within thirty (30) days of receiving the department's certification under subsection (a) of this section, an education service cooperative may petition the State Board of Education in writing for removal from fiscal distress.

(2) An education service cooperative may not petition the state board for removal from fiscal distress status before the department makes the certification under subsection (a) of this section.

(c) Within sixty (60) days of receiving the petition for removal from fiscal distress, the state board shall deny the petition or remove the education service cooperative from fiscal distress status.

(d) If an education service cooperative fails to meet the department's requirements for removal from fiscal distress status within two (2) consecutive school years of being classified in fiscal distress, the state board shall:

(1) Reorganize the administrative unit of the education service cooperative under § 6-13-1029; or

(2)(A) Issue a written finding supported by a majority vote of the state board explaining in detail that the education service cooperative could not comply with this section due to impossibility caused by external forces beyond the education service cooperative's control.

(B) The state board shall extend the classification of fiscal distress for one (1) additional year within which time the education service cooperative shall comply with all conditions for removal from fiscal distress status under this section.

(e) Within fifteen (15) days of making a decision under this section, the state board shall notify the education service cooperative of its decision and include with the notice a copy of a written finding issued under subsection (d) of this section.

History. Acts 2009, No. 1289, § 4.

6-13-1031. Appeal.

(a) An education service cooperative may appeal to the State Board of Education the identification of fiscal distress under § 6-13-1027.

(b) The education service cooperative may lodge an appeal by filing a written appeal with the Commissioner of Education by certified mail, return receipt requested, within thirty (30) days of the date the education service cooperative received notice of the identification of fiscal distress.

(c) The written appeal shall state in clear terms the reason why the education service cooperative should not be classified as being in fiscal distress.

(d) The state board shall hear the appeal within sixty (60) days of receipt of the written notice of appeal.

(e) Notwithstanding any appeal rights in this section, no appeal shall stay the state board's or the Department of Education's authority to take action to enforce the education service cooperative's compliance with financial management, accounting, auditing, and reporting procedures required by state or federal law and regulations.

(f)(1) The decision of the state board on the appeal is a final order.

(2) There is no further right of appeal except to Pulaski County Circuit Court pursuant to the Arkansas Administrative Procedure Act, § 25-15-201 et seq.

History. Acts 2009, No. 1289, § 4.

SUBCHAPTER 13 — SITE-BASED DECISION MAKING

SECTION.

- 6-13-1302. Definitions.
- 6-13-1303. Adoption of policy.
- 6-13-1304. School council established — Members.
- 6-13-1305. School district policy — Contents.

SECTION.

- 6-13-1306. School council powers and duties.
- 6-13-1309. Alternative model.

6-13-1302. Definitions.

As used in this subchapter:

- (1) “Classified employee” means any person for whom licensure is not required as the basis of employment in the public schools of the state;
- (2) “Licensed employee” means any person for whom licensure is required as the basis of employment in the public schools of the state;
- (3) “Parent” means any parent, legal guardian, or other person having custody or charge of a student enrolled in a public school; and
- (4) “Site-based decision making” means a joint planning and problem-solving process implemented within a local school building, providing for a sharing of power, authority, and responsibility among teachers, administrators, and parents, and designed to shift decision making activity to the local building level.

History. Acts 1995, No. 1125, § 2; substituted “Licensed” for “Certified” in 2013, No. 1138, § 9. (2); and substituted “licensure” for “certification” in (1) and (2).
Amendments. The 2013 amendment

6-13-1303. Adoption of policy.

- (a) Following a secret ballot vote by two-thirds ($\frac{2}{3}$) of the licensed employees in a local building site to implement site-based decision making, the local school district board of directors may adopt a policy for implementing site-based decision making in the school district, to include, but not be limited to, a description of how school district policies have been amended to allow school employees at the local school building site to be involved in the decision-making process as they work to meet educational goals.
- (b) For the policy to be implemented, it must be adopted by a majority of the board of directors of the school district.

History. Acts 1995, No. 1125, § 3; 2013, No. 1138, § 10.
Amendments. The 2013 amendment substituted “licensed” for “certified” in (a).

6-13-1304. School council established — Members.

The school district policy adopted by the board of directors and licensed faculty of a local school district shall require the following when any local school building site elects to implement site-based decision making under the provisions of this subchapter:

(1)(A)(i) A school council shall be established, composed of teachers, classified employees, and the building principal or administrator.

(ii) A majority of the council shall be made up of teachers.

(B)(i) The teacher representatives on the council shall be elected by a majority of the teachers in a secret ballot election conducted by the teachers in the building.

(ii) The classified employee representatives shall be elected by a majority of the classified employees in a secret ballot election conducted by the classified employees.

(2)(A) The school council may include parent representatives if two-thirds ($\frac{2}{3}$) of the parents present at a meeting called for that purpose vote to participate in site-based decision making.

(B) The parent representatives on the council shall be elected by the parents at a meeting called for that purpose and shall not be relatives of any employee of the school or any board member.

(3) Members of the school council shall elect a chair, vice chair, and secretary.

History. Acts 1995, No. 1125, § 4; substituted “licensed” for “certified” in the 2013, No. 1138, § 11. introductory language.

Amendments. The 2013 amendment

6-13-1305. School district policy — Contents.

The policy adopted by the local school district board of directors to implement site-based decision making shall also address the following:

(1) Parent, citizen, and community participation, including the relationship of the school council with other groups;

(2) Cooperation and collaboration within the school district, with other school districts, and with other public and private agencies;

(3) Professional development plans developed pursuant to the state accreditation standards;

(4) School improvement plans, including the form and function of strategic planning and its relationship to school district planning;

(5) School budget and administration, including:

(A) Discretionary funds;

(B) Activity and other school funds;

(C) Funds for maintenance, supplies, and equipment; and

(D) Accounting and auditing;

(6) Assessment of individual student progress, including testing and reporting of student progress to students, parents, the school district, the community, and the state;

(7) Requirements for waiver of school district policies;

(8) Requirements for record keeping by the school council;

- (9) A process for appealing a decision made by a school council; and
- (10) Teacher evaluations, professional learning plans, and teacher support under the Teacher Excellence and Support System, § 6-17-2801 et seq.

History. Acts 1995, No. 1125, § 4; 2011, No. 1209, § 1. **Amendments.** The 2011 amendment added (10).

6-13-1306. School council powers and duties.

The school council established under this subchapter may implement policies in the following areas:

- (1) Planning and resolution of issues regarding instructional practices;
- (2) Selection and implementation of discipline and classroom management techniques, including responsibilities of the student, parent, teacher, counselor, and principal;
- (3) Curriculum, including:
 - (A) Needs assessment;
 - (B) Curriculum development;
 - (C) Alignment with state standards;
 - (D) Technology utilization; and
 - (E) Program appraisal;
- (4) Assignment of all instructional and noninstructional staff time;
- (5) Provision for planning time for instructional staff;
- (6) Assignment of students to classes and programs within the school;
- (7) Determination of the schedule of the school day and week, subject to the beginning and ending times of the school day and school calendar year as specified in the personnel policies or negotiated agreements;
- (8) Determination of use of school space during the school day and week; and
- (9) Selection of extracurricular programs and determination of policies relating to student participation based on academic qualifications and attendance requirements, program evaluation, and supervision.

History. Acts 1995, No. 1125, § 4; 2009, No. 376, § 11. **Amendments.** The 2009 amendment redesignated (4) through (8) as (4) through (9) and made a related change; and inserted “day and week” in (7).

6-13-1309. Alternative model.

- (a) A local school building site that chooses to have site-based decision making but wishes to be exempt from the administrative structure set forth by this subchapter may develop a model for implementing site-based decision making, including, but not limited to, a description of the membership, organization, duties, and responsibilities of a school council.

(b)(1) The local school building site shall submit the model through the local school district board of directors to the Commissioner of Education and the State Board of Education for approval.

(2) The application for approval of the model shall show evidence that it has been developed by representatives of the parents, students, and employees of the school and that two-thirds ($\frac{2}{3}$) of the licensed employees voting in a secret ballot election have agreed to the model.

History. Acts 1995, No. 1125, § 6; substituted “licensed” for “certified” in 2013, No. 1138, § 12.

Amendments. The 2013 amendment

SUBCHAPTER 14 — CONSOLIDATION, ANNEXATION, AND FORMATION

SECTION.

6-13-1401. Definitions.

6-13-1403. Conditions under which the State Board of Education may annex school districts.

6-13-1404. Conditions under which the State Board of Education may consolidate school districts.

6-13-1405, 6-13-1406. [Repealed.]

6-13-1410. Appeal and election.

6-13-1411. Use of fund balances.

6-13-1412, 6-13-1413. [Repealed.]

SECTION.

6-13-1414. Boundary change by State Board of Education.

6-13-1415. Involuntary consolidation or annexation — Effective date — Interim board of directors.

6-13-1416. Voluntary consolidation or annexation — Effective date — Interim board of directors.

6-13-1417. Formation of a permanent board of directors.

6-13-1401. Definitions.

As used in this subchapter:

(1) “Affected district” means a school district that:

(A) Loses territory or students as a result of annexation; or

(B) Is involved in a consolidation;

(2) “Aggrieved district” means the lawfully constituted and existing board of directors of a school district that gains or loses territory or students as a result of an annexation or consolidation;

(3) “Annexation” means the joining of an affected school district or part thereof with a receiving district;

(4) “Consolidation” means the joining of two (2) or more affected school districts or parts thereof to create a new single school district;

(5) “Receiving district” means a school district or districts that receive territory or students, or both, from an affected district as a result of annexation; and

(6) “Resulting district” means the new school district created from an affected district or districts as a result of consolidation.

History. Acts 2001, No. 1225, § 1; by No. 989 subdivided and rewrote former 2011, No. 989, § 5; 2011, No. 1217, § 1. (1); inserted (2) and redesignated the remaining subdivisions accordingly; and de-

Amendments. The 2011 amendment

leted former (6).

The 2011 amendment by No. 1217 subdivided and rewrote former (1); inserted

(2) and redesignated the remaining subdivisions accordingly.

6-13-1403. Conditions under which the State Board of Education may annex school districts.

(a) The State Board of Education shall consider the annexation of an affected school district or districts to a receiving district or districts under the following conditions:

(1) The state board, after providing thirty (30) days' written notice to the affected school districts, determines that annexation is in the best interest of the affected district or districts and the receiving district based upon failure to meet standards for accreditation or failure to meet academic, fiscal, or facilities distress requirements pursuant to The Quality Education Act of 2003, § 6-15-201 et seq., the Arkansas Comprehensive Testing, Assessment, and Accountability Program Act, § 6-15-401 et seq., the Arkansas Fiscal Assessment and Accountability Program, § 6-20-1901 et seq., and the Arkansas Public School Academic Facilities Program Act, § 6-21-801 et seq.;

(2)(A) The affected district or districts file a petition with the state board requesting annexation to a particular receiving district or districts, and a copy of the petition is filed with the county clerk's office of each county where the affected district or districts are located;

(B) The county clerk's office of each county where the affected district or districts are located certifies in writing that the petition has been signed by a majority of the qualified electors of the affected district or districts; and

(C) The receiving district or districts provide to the state board written proof of consent to receive the affected district or districts by annexation as evidenced by either a vote to approve annexation by resolution by a majority of the members of the local receiving board of education or by a vote to approve annexation by a majority of the qualified electors of the receiving district as provided for in § 6-14-122;

(3)(A) A majority of the qualified electors in the affected district or districts vote to approve the annexation of an affected school district or districts to a receiving district or districts as provided for in § 6-14-122; and

(B) The receiving district or districts provide to the state board written proof of consent to receive the affected district or districts by annexation as evidenced by either a vote to approve annexation by resolution by a majority of the members of the local receiving board of education or by a vote to approve annexation by a majority of the qualified electors of the receiving district as provided in § 6-14-122; or

(4)(A) The local board of education of the affected district or districts votes to approve by resolution the annexation of the affected district

or districts to a receiving district or districts by a majority of the members of the local board of education of the affected district or districts; and

(B) The receiving district or districts provide to the state board written proof of consent to receive the affected district or districts by annexation as evidenced by either a vote to approve annexation by resolution by a majority of the members of the local receiving board of education or by a vote to approve annexation by a majority of the qualified electors of the receiving districts as provided for in § 6-14-122.

(b) The state board may vote to approve, by a majority of a quorum present of the members of the state board, the annexation of the affected districts into a receiving district:

(1) The state board, after providing thirty (30) days written notice to the affected districts, may on its own motion based on a school district's failure to meet standards for accreditation or failure to meet academic or fiscal distress requirements pursuant to The Quality Education Act of 2003, § 6-15-201 et seq., the Arkansas Comprehensive Testing, Assessment, and Accountability Program Act, § 6-15-401 et seq., and the Arkansas Fiscal Assessment and Accountability Program, § 6-20-1901 et seq.; or

(2) Upon receipt of a valid petition for annexation and after receiving proof from the petitioning party of at least one (1) of the required conditions set forth in subsection (a) of this section and upon receipt of proof of the issuance of public notice of the intent to annex affected districts into a receiving district or districts in the local newspapers of general circulation in the affected districts for a time period of no less than one (1) time a week for two (2) consecutive weeks immediately prior to the time the petition is filed with the state board.

(c)(1) In order for the petition for annexation to be valid, it shall be filed with the state board at least thirty (30) days prior to the next regularly scheduled state board meeting, at which time the petition will be presented for hearing before the state board.

(2) However, no petition is required for the state board to annex a school district or districts upon a motion of the state board as allowed in subsection (b).

(d)(1) Upon determination by the state board to annex a school district or approval of a petition requesting annexation, the state board shall issue an order dissolving the affected districts and establishing the receiving school district or districts.

(2)(A) The state board shall issue an order establishing the boundary lines of the receiving district or districts.

(B) It shall be the duty of the Department of Education to make changes in the maps of the school districts to properly show the boundary lines of the receiving district or districts.

(e)(1) The state board shall:

(A) Issue an order establishing the changed boundaries; and

(B) File the order with the:

- (i) County clerk of each county where a receiving district is located;
 - (ii) Secretary of State; and
 - (iii) Arkansas Geographic Information Office.
- (2) The county clerk shall make a permanent record of the order.
- (3) The boundaries established under this subsection shall be the boundaries of the receiving district until changes are made according to the provisions of law.
- (f) The state board shall not annex affected districts that are not geographically contiguous unless the following limited conditions are determined to be valid reasons for annexation:
- (1) The annexation will result in the overall improvement in the educational benefit to students in all the school districts involved; or
 - (2) The annexation will provide a significant advantage in transportation costs or service to all the school districts involved.

History. Acts 2001, No. 1225, § 1; 2003, No. 1467, § 19; 2011, No. 989, § 6; 2013, No. 1073, § 7.

Amendments. The 2011 amendment subdivided former (e) as (e)(1) through (3); rewrote (e)(1)(B)(i); inserted (e)(1)(B)(ii) and (iii); and substituted "The boundaries

established under this subsection (e)" for "boundaries so established" in (e)(3).

The 2013 amendment, in (a)(1), inserted "or facilities" preceding "distress" and added "and the Arkansas Public School Academic Facilities Program Act, § 6-21-801 et seq."

6-13-1404. Conditions under which the State Board of Education may consolidate school districts.

(a) The State Board of Education shall consider the consolidation of affected districts into a new resulting district or districts under the following conditions:

(1) The state board, after providing thirty (30) days' written notice to the affected school districts, determines consolidation is in the best interest of the affected district or districts and the resulting district based upon failure to meet standards for accreditation or academic, fiscal, or facilities distress requirements pursuant to The Quality Education Act of 2003, § 6-15-201 et seq., the Arkansas Comprehensive Testing, Assessment, and Accountability Program Act, § 6-15-401 et seq., the Arkansas Fiscal Assessment and Accountability Program, § 6-20-1901 et seq., and the Arkansas Public School Academic Facilities Program Act, § 6-21-801 et seq.; or

(2)(A) The affected districts file a petition with the state board requesting that the affected districts be consolidated into a resulting district or districts;

(B) A copy of the petition has been filed with the county clerk's office of each county where the affected districts are located;

(C) The county clerk's office certifies in writing to the state board that the petition has been signed by a majority of the qualified electors of the affected districts;

(D) A majority of the qualified electors in the affected districts votes to approve consolidation of the affected districts into a resulting

district or districts pursuant to a valid election as provided in § 6-14-122; and

(E) The local board of directors votes to approve by resolution of a majority of the members of each local board of education the consolidation of the affected districts into a resulting district or districts.

(b) The state board:

(1) After providing thirty (30) days written notice to the affected districts, may consolidate school districts upon its own motion based upon a school district's failure to meet standards for accreditation or academic or fiscal distress requirements pursuant to The Quality Education Act of 2003, § 6-15-201 et seq., the Arkansas Comprehensive Testing, Assessment, and Accountability Program Act, § 6-15-401 et seq., and the Arkansas Fiscal Assessment and Accountability Program, § 6-20-1901 et seq.; or

(2) May vote to approve by a majority of a quorum present of the members of the state board the consolidation of the affected districts into a resulting district upon receipt of a valid petition for consolidation after receiving proof from the petitioning party of at least one (1) of the required conditions set forth in subsection (a) of this section and upon receipt of proof of the issuance of public notice of the intent to consolidate affected districts into a resulting district or districts in the local newspapers of general circulation in the affected districts for a time period of no less than one (1) time a week for two (2) consecutive weeks immediately prior to the time the petition is filed with the state board.

(c)(1) In order for the petition for consolidation to be valid, it shall be filed with the state board at least thirty (30) days prior to the next regularly scheduled state board meeting, at which time the petition will be presented for hearing before the state board.

(2) However, no petition is required for the state board to consolidate a school district or districts on a motion of the state board as allowed in subsection (b).

(d)(1) Upon consolidation of a school district by the state board or approval of a petition requesting consolidation, the state board shall issue an order dissolving the affected school districts and establishing the resulting school district or districts.

(2)(A) The state board shall issue an order establishing the boundary lines of the resulting district or districts.

(B) It shall be the duty of the Department of Education to make changes in the maps of the school districts to properly show the boundary lines of the resulting district or districts.

(e)(1) The state board shall:

(A) Issue an order establishing the changed boundaries; and

(B) File the order with the:

(i) County clerk of each county where a resulting district is located;

(ii) Secretary of State; and

(iii) Arkansas Geographic Information Office.

(2) The county clerk shall make a permanent record of the order.

(3) The boundaries established under this subsection shall be the boundaries of the resulting district until changes are made according to the provisions of law.

(f) The state board shall not consolidate affected districts that are not geographically contiguous unless the following limited conditions are determined to be valid reasons for consolidation:

(1) The consolidation will result in the overall improvement in the educational benefit to students in all the school districts involved; or

(2) The consolidation will provide a significant advantage in transportation costs or service to all the school districts involved.

History. Acts 2001, No. 1225, § 1; 2003, No. 1467, § 19; 2011, No. 989, § 7; 2013, No. 1073, § 8.

Amendments. The 2011 amendment subdivided former (e)(1) as (e)(1) through (e)(1)(B); rewrote (e)(1)(B)(i); inserted (e)(1)(B)(ii) and (iii); and substituted “The boundaries established under this subsection

(e)” for “boundaries so established” in (e)(3).

The 2013 amendment, in (a)(1), inserted “or facilities” preceding “distress” and added “and the Arkansas Public School Academic Facilities Program Act, § 6-21-801 et seq.”

6-13-1405, 6-13-1406. [Repealed.]

Publisher’s Notes. These sections, concerning effective date of annexation or consolidation and board of directors — term — election, were repealed by Acts 2011, No. 1217, § 2. They were derived from the following sources:

6-13-1405. Acts 2001, No. 1225, § 1; 2003, No. 1467, § 19; 2003 (2nd Ex. Sess.), No. 60, § 2.

6-13-1406. Acts 2001, No. 1225, § 1; 2003 (2nd Ex. Sess.), No. 25, § 1.

6-13-1410. Appeal and election.

Notwithstanding any other provision of law, the decision of the State Board of Education regarding a consolidation or annexation shall be final with no further right of appeal except that only an aggrieved district may appeal to Pulaski County Circuit Court pursuant to the Arkansas Administrative Procedure Act, § 25-15-201 et seq.

History. Acts 2003, No. 1467, § 21; 2011, No. 989, § 8.

Amendments. The 2011 amendment added “Notwithstanding any other provi-

sion of law” at the beginning and substituted “only an aggrieved district may appeal” for “an aggrieved school district may appeal.”

6-13-1411. Use of fund balances.

(a) Unless otherwise approved by a unanimous vote of the board of directors of the resulting district, the fund balances of any school district that is consolidated, annexed, or otherwise reorganized shall be used by the resulting district solely for the construction of facilities or the operation, maintenance, or support of the schools that were located in the affected school district from which the fund balance was derived if any of the facilities of the affected district from which the fund balance was derived remain open.

(b) The provisions of this section shall not apply if the consolidation or annexation is because of the school district's failure to meet standards for accreditation or failure to meet academic, fiscal, or facilities distress requirements pursuant to The Quality Education Act of 2003, § 6-15-201 et seq., the Arkansas Comprehensive Testing, Assessment, and Accountability Program Act, § 6-15-401 et seq., the Arkansas Fiscal Assessment and Accountability Program, § 6-20-1901 et seq., and the Arkansas Public School Academic Facilities Program Act, § 6-21-801 et seq.

History. Acts 2003 (2nd Ex. Sess.), No. 71, § 1; 2013, No. 1073, § 9.

Amendments. The 2013 amendment, in (b), inserted "or facilities" preceding

"distress" and added "and the Arkansas Public School Academic Facilities Program Act, § 6-21-801 et seq."

6-13-1412, 6-13-1413. [Repealed.]

Publisher's Notes. These sections, concerning board of directors after annexation — term — election and board of directors after consolidation — term — election, were repealed by Acts 2011, No.

1217, § 3. They were derived from the following sources:

6-13-1412. Acts 2005, No. 274, § 1.

6-13-1413. Acts 2005, No. 274, § 2.

6-13-1414. Boundary change by State Board of Education.

(a)(1) The State Board of Education shall consider a petition from a local board of directors of any school district seeking an adjustment or change of boundary lines between its school district and an adjoining school district.

(2) The local board of directors must file the petition with the state board at least thirty (30) days prior to the next regularly scheduled state board meeting, at which time the petition will be presented for hearing before the state board.

(b) Upon proof to the state board of public notice issued in the local newspapers of general circulation in each affected school district no less than one (1) time a week for two (2) consecutive weeks, the state board may, by approval of a majority of the members of a quorum present of the state board, issue an order changing or adjusting the boundary lines between the adjoining school districts.

(c) If the local board of directors of each of the affected school districts is unable to agree on the proposed change in boundary lines, the state board shall adjust and change the boundary lines in accordance with its best judgment subject to the requirement of subsection (f) of this section or shall rule that the boundaries remain unchanged.

(d) Upon an order from the state board to change or adjust boundary lines, it shall be the duty of the Department of Education to immediately make changes in the maps of the school districts of the county to show the changes of boundaries.

(e)(1) The state board shall:

(A) Issue an order establishing the changed boundaries; and

(B) File the order with the:

- (i) County clerk in each county in which every affected school district lies;
 - (ii) Secretary of State; and
 - (iii) Arkansas Geographic Information Office.
- (2) The county clerk shall make a permanent record of the order.
- (3) The boundaries established under this subsection shall be the boundaries of the affected school districts until changes are made according to the provisions of law.
- (f) The state board shall not order any change in school district boundaries which hampers, delays, or in any manner negatively affects the desegregation efforts of the public school districts in the State of Arkansas.

History. Acts 2001, No. 1037, § 1; rewrote (e)(1); and substituted "The 2011, No. 989, § 9. boundaries established under this subsection (e)" for "boundaries so established" in

Amendments. The 2011 amendment subdivided former (e) as (e)(1) through (3); (e)(3).

6-13-1415. Involuntary consolidation or annexation — Effective date — Interim board of directors.

(a) This section applies to the involuntary consolidation or involuntary annexation of a school district made by a motion of the State Board of Education.

(b) The effective date of an involuntary consolidation or involuntary annexation of a school district shall be the July 1 after the state board action unless determined otherwise by the state board.

(c) The state board shall establish the terms and conditions of the involuntary consolidation or involuntary annexation that shall govern the affected districts, resulting districts, and receiving districts.

(d)(1) If the state board determines that a new permanent board of directors is necessary, the state board shall prescribe:

(A) The number of members for the new permanent board of directors of the resulting district or receiving district;

(B) The manner of formation of the new permanent board of directors of the resulting district or receiving district under § 6-13-1417; and

(C)(i) Whether the new permanent board of directors will be elected at the first or second school election after the effective date of consolidation or annexation.

(ii) The election for the new permanent school board of directors may take place during the second school election after the effective date of consolidation or annexation only if the state board determines that additional time is required to implement single-member zoned elections.

(2) If the state board determines that an interim board of directors is necessary, the state board shall prescribe:

(A) The number of members for the interim board of directors of the resulting district or receiving district;

(B) The terms of the members of the interim board of directors of the resulting district or receiving district; and

(C)(i) The manner of formation of the interim board of directors of the resulting district or receiving district.

(ii) The state board may:

(a) Allow the affected districts and receiving districts thirty (30) days to establish an interim board of directors to govern the resulting district or receiving district that consists of either five (5) or seven (7) members selected from the boards of directors from the affected districts and receiving districts based on the proportion of the student population of each of the affected districts and receiving districts before consolidation or annexation;

(b) Appoint an interim board of directors to govern the resulting or receiving district that consists of either five (5) or seven (7) members selected from the boards of directors from the affected districts and receiving districts based on the proportion of the student population of each of the affected districts and receiving districts before consolidation or annexation; or

(c) Designate the existing board of directors of one (1) affected district in a consolidation or the existing board of directors of the receiving district in an annexation as the interim board to govern the resulting district or receiving district.

(3) The state board may determine that an interim board of directors is not necessary and may order the existing board of directors of one (1) affected district in a consolidation or the existing board of directors of the receiving district in an annexation to remain as the permanent school board of directors.

(e)(1) An interim board of directors shall serve until the first school election after the effective date of consolidation or annexation unless:

(A) Any members of the permanent board of directors of the resulting district or receiving district are elected from single-member zones, then the interim board of directors may serve until the second school election after the effective date of consolidation or annexation under subdivision (d)(1)(C) of this section; or

(B) All the members of the permanent board of directors of the resulting district or receiving district are elected at-large, then the state board may stagger the terms of the interim board of directors, which shall be determined by lot so that no more than two (2) members' terms expire during any one (1) year.

(2) If the state board allows the local school districts time to establish an interim board of directors, the board of directors of each affected district before the consolidation or each affected district and receiving district before the annexation may determine independently how to select members of the existing board of directors to serve on the interim board of directors, subject to approval by the state board, by:

(A) The voluntary resignation of one (1) or more members of the existing board of directors;

(B) Selecting one (1) or more members of the existing board of directors by a majority vote of the school board; or

(C) Selecting one (1) or more members of the existing board of directors by a random lot drawing.

(3) An interim board of directors shall be established by May 31 of the year preceding the effective date of administrative consolidation or administrative annexation under § 6-13-1603 if the state board determines that an interim board of directors is necessary.

(f)(1) A consolidation or annexation order adopted by the state board shall be filed with the:

(A) County clerk of each county that contains school district territory of each affected district, receiving district, or resulting district;

(B) Secretary of State; and

(C) Arkansas Geographic Information Office.

(2) A consolidation or annexation order shall include a map of the boundaries of the resulting district or receiving district.

(3) A consolidation or annexation order filed with the Secretary of State and the Arkansas Geographic Information Office shall include a digital map showing the boundaries of the resulting district or receiving district in a format prescribed by the Arkansas Geographic Information Office.

(g) The state board may promulgate rules necessary to administer this subchapter.

History. Acts 2011, No. 1217, § 4.

6-13-1416. Voluntary consolidation or annexation — Effective date — Interim board of directors.

(a) This section applies to any petition for consolidation or annexation of a school district submitted to the State Board of Education by a school district.

(b) The effective date of a petition for consolidation or annexation of a school district shall be the July 1 after the state board approves the consolidation or annexation petition unless the state board approves an alternative effective date or determines otherwise.

(c)(1) Each board of directors of an affected district and receiving district shall enter into a written agreement approved by the quorum of the members of each board of directors present and executed by the president and secretary of each school board of directors.

(2) The written agreement may prescribe the effective date of the annexation of the affected district to the receiving district or the effective date of the formation of the resulting district from consolidation of affected districts, subject to approval by the state board.

(3)(A) The written agreement may prescribe the number of members of the permanent board of directors of the resulting district or receiving district and the manner of formation of the permanent board of directors of the resulting district or receiving district under § 6-13-1417 or as allowed by law.

(B)(i) If the written agreement prescribes the formation of a new permanent board of directors, the written agreement shall specify whether the new permanent board of directors will be elected at the first or second school election after the effective date of consolidation or annexation.

(ii) The election of a new permanent board of directors may take place during the second school election after the effective date of consolidation or annexation only if additional time is necessary to implement single-member zoned elections.

(d) The written agreement may prescribe for the formation of an interim board of directors, including the number of members, the length of member terms, and the manner of formation as follows:

(1) Establish an interim board of directors to govern the resulting district or receiving district that consists of either five (5) or seven (7) members selected from the boards of directors from the affected districts and receiving districts based on the proportion of the student population of each of the affected districts and receiving districts before consolidation or annexation;

(2) Designate the existing board of directors of one (1) affected district in a consolidation or the existing board of directors of the receiving district in an annexation as the interim board of directors; or

(3) Determine that an interim board of directors is not necessary and may designate the existing board of directors of one (1) affected district in a consolidation or the existing board of directors of the receiving district in an annexation to remain as the permanent school board of directors.

(e)(1) If the written agreement prescribes the formation of an interim board of directors, the interim board of directors shall serve until the first school election after the effective date of consolidation or annexation unless:

(A) Any members of the permanent board of directors of the resulting district or receiving district are elected from single-member zones, then the interim board of directors may serve until the second school election after the effective date of consolidation or annexation under subdivision (c)(3)(B) of this section; or

(B) All the members of the permanent board of directors of the resulting district or receiving district are elected at-large, then the written agreement may stagger the terms of the interim board of directors, which shall be determined by lot so that no more than two

(2) members' terms expire during any one (1) year.

(2) If the written agreement prescribes formation of an interim board of directors, the board of directors of the affected district before the consolidation or the affected district and receiving district before annexation may determine independently how to select members of the existing board of directors to serve on the interim board of directors by:

(A) The voluntary resignation of one (1) or more members of the existing board of directors;

(B) Selecting one (1) or more members of the existing board of directors by a majority vote of the school board; or

(C) Selecting one (1) or more members of the existing board of directors by a random lot drawing.

(3) If the written agreement in an administrative consolidation or an administrative annexation under § 6-13-1603 requires the formation of an interim board of directors, the interim board of directors shall be established by May 31 preceding the effective date of the administrative consolidation or administrative annexation.

(f)(1) An executed copy of the written agreement shall be attached to the petition for consolidation or annexation submitted to the state board.

(2) If the written agreement is approved by the state board, the terms of the written agreement shall be binding upon the affected districts, receiving districts, and resulting districts, including the interim and permanent school boards of directors.

(3) A written agreement under this section shall not be effective without approval from the state board.

(g)(1) A consolidation or annexation petition approved by the state board along with an executed copy of the written agreement shall be filed with the:

(A) County clerk of each county that contains school district territory of each affected district, receiving district, or resulting district;

(B) Secretary of State; and

(C) Arkansas Geographic Information Office.

(2) An approved consolidation or annexation petition shall include a map of the boundaries of the resulting district or receiving district.

(3) An approved consolidation or annexation petition filed with the Secretary of State and the Arkansas Geographic Information Office shall include a digital map showing the boundaries of the resulting district or receiving district in a format prescribed by the Arkansas Geographic Information Office.

History. Acts 2011, No. 1217, § 4; substituted "written agreement" for "state board" in (e)(1)(B).
2013, No. 1073, § 10.

Amendments. The 2013 amendment

6-13-1417. Formation of a permanent board of directors.

(a)(1) A permanent board of directors shall have either five (5) or seven (7) members unless the school district is allowed to have nine (9) members under § 6-13-634.

(2) The length of the terms of the board of directors may be for the time period prescribed by law and:

(A) Prescribed in the written agreement under § 6-13-1416; or

(B) Determined by the permanent board of directors.

(3) At the first meeting of the permanent board of directors, the members shall determine the terms of the board of directors by lot so that not more than two (2) members' terms expire during any one (1) year.

(4) A vacancy on the board of directors shall be filled as prescribed by law.

(b)(1) If single-member election zones are not necessary to comply with the Voting Rights Act of 1965 or with any other federal or state law, any or all of the members of the permanent board of directors may be elected at large.

(2) A minimum of five (5) members of a permanent board of directors shall be elected from single-member election zones if one (1) or more of the following applies:

(A) Single-member election zones are required to comply with the Voting Rights Act of 1965 or other federal law;

(B) The resulting district or receiving district after consolidation or annexation is required to be zoned under § 6-13-631 or other state law; or

(C) The boards of directors of the affected districts before consolidation or the boards of directors of the affected districts and receiving districts before annexation agree that the permanent board of directors shall be elected from single-member election zones.

(3) If single-member election zones are necessary to comply with the Voting Rights Act of 1965, other federal law, or state law, the resulting district or receiving district shall:

(A) Review the demographic makeup and boundaries of the zones based on the latest decennial census data of the resulting district or receiving district after consolidation or annexation and rezone the resulting district or receiving district as necessary to comply with the Voting Rights Act of 1965, other federal law, or state law;

(B) Complete the election rezoning no later than one hundred twenty (120) calendar days before the second school election following the effective date of the consolidation or annexation; and

(C) No later than one hundred twenty (120) calendar days before the second school election following the effective date of the consolidation or annexation, file a digital map in a format prescribed by the Arkansas Geographic Information Office detailing the election zone boundaries of the resulting district or receiving district with the:

(i) Secretary of State;

(ii) Arkansas Geographic Information Office; and

(iii) County clerk of each county that contains school district territory of each affected district, receiving district, or resulting district.

History. Acts 2011, No. 1217, § 4; 2013, No. 1073, § 11; 2013, No. 1155, § 12.

The 2013 amendment by No. 1155 substituted “§ 6-13-634” for “§ 6-13-604” at the end of (a)(1).

Amendments. The 2013 amendment by No. 1073 rewrote (b)(3)(C).

**SUBCHAPTER 15 — CREATION OF SCHOOL DISTRICT BY DETACHING
TERRITORY FROM EXISTING SCHOOL DISTRICT**

SECTION.

6-13-1504. Petition — Election.

6-13-1505. Creation of school district.

6-13-1504. Petition — Election.

(a)(1) Not later than the thirtieth day after the date the State Board of Education receives a petition or resolution under this subchapter, the state board shall hold a hearing on the validity of the petition or resolution.

(2) To be valid, a petition or resolution shall:

(A) State the purpose for which the petition or resolution is being submitted;

(B) Contain a plat or map of the proposed new school district;

(C) Contain an independent feasibility study stating:

(i) Cost of operation of the new school district and the ability to operate the new school district taking into consideration the tax base, debt service, and division of assets to the new school district;

(ii) A list of the public school assets to be transferred from the existing school district to the new school district;

(iii) The size of the new school district; and

(iv) The effect of detachment on court-ordered desegregation; and

(D) Be signed by at least ten percent (10%) of the number of voters in the area proposed for detachment who voted in the most recent general election.

(b)(1) If the state board determines that the petition or resolution is valid and the petition or resolution does not conflict with subdivision (b)(2) of this section, the state board may, after complying with subdivision (b)(2) of this section, order an election on the proposition of detachment to be held at the next annual school election or general election.

(2)(A) The state board shall not order any creation of a new school district by detachment under this subchapter or any other act or combination of any acts that hampers, delays, or in any manner negatively affects desegregation efforts of a school district or districts in this state.

(B) Prior to the entry of any order for election on the question of detachment, the state board shall seek an advisory opinion from the Attorney General concerning the impact of the proposed detachment and creation of a new school district on the effort of the state to assist the affected school district or districts in the desegregation of the public schools of this state.

(3) The order for election on the proposition of detachment shall:

(A) Contain a plat or map of the proposed new school district; and

(B) Comply with all requirements and procedures set forth in § 6-14-101 et seq. that do not conflict with the provisions of this subchapter.

(c)(1)(A) The state board shall certify two (2) copies of the detachment order and convey one (1) copy to the county clerk and one (1) copy to the county election commission at least sixty (60) days prior to the date the commission sets for election on the question of detachment.

(B)(i) No later than forty-five (45) days prior to the election, the county clerk of each county affected shall identify all persons who reside within the area proposed to be detached, and the county clerk shall determine the names and addresses of all qualified electors residing within that area.

(ii) The failure to identify all persons residing within the area proposed to be detached or the failure to determine the names and addresses of all qualified electors residing within that area shall not invalidate or otherwise affect the results of the election.

(C) All of the qualified electors residing within the territory to be detached shall be entitled to vote in the election.

(D) The petitioners shall give notice of the election by publication of at least one (1) insertion in a newspaper having general circulation in each school district from which territory is being detached.

(2)(A) The county clerk shall prepare a list by precinct of all those qualified electors residing within the area to be detached who are qualified to vote in that precinct and furnish that list to the election officials at the time the ballot boxes and voting machines are delivered.

(B) If the county clerk or the county election commission shall fail to perform any duties required, then any interested party may apply for a writ of mandamus to require the performance of the duties.

(C) The failure of the county clerk or the county election commission to perform the duties shall not void the detachment election unless a court finds that the failure to perform the duties substantially prejudiced an interested party.

(d)(1) The ballot shall be printed to permit voting for or against the proposition in a manner similar to the following: "Creation of a new school district by detachment of property and territory that includes the following property and territory from the _____ School District: _____."

(2) The ballot description of the property and territory to be detached shall be sufficient to give general notice of the territory affected.

History. Acts 2001, No. 1673, § 1; 2013, No. 1274, § 1.

Amendments. The 2013 amendment substituted "number of voters in the area

proposed for detachment who voted in the most recent general election" for "registered voters of the area proposed for detachment" in (a)(2)(D).

6-13-1505. Creation of school district.

(a) If all the requirements of this subchapter are met and a majority of the votes are cast for the proposition, the State Board of Education shall order the creation of the new school district.

(b)(1) At the time the order creating the district is made, the state board shall appoint a board of directors of seven (7) members for the new school district to serve until the next regular election of members, when a board of directors shall be elected in compliance with Arkansas law.

(2) Following the entry of the order creating the new school district and the appointment of a board of directors for the new school district but prior to the transfer of any assets, territory, property, liabilities, duties, or responsibilities, any new school district created by detachment from an existing school district that is a party to any court-ordered desegregation plan shall petition the court having jurisdiction in the desegregation matter and obtain any and all court orders or other relief necessary to ensure that the detachment will not cause the state or any affected school district to be in violation of any orders of the court or any consent orders or decrees entered into by the parties with regard to the desegregation plan.

(c) Any new school district created under this subchapter shall take the property of the school district from which the territory was taken, as the state board shall deem proper, and shall be liable for that part of all indebtedness of the school district from which the territory was taken as shall be assigned to the new school district by the state board.

(d) The millage rate of the electors of the detached territory shall remain the same until an election may be held to change the rate of taxation for the detached area.

(e) The state board shall have the following duties regarding creation of a school district by detachment:

(1) To form local school districts, change boundary lines of school districts, create new school districts, and perform all other functions regarding changes in school districts in accordance with the law;

(2) To transfer funds and attach territory that is in one (1) school district to other school districts as may seem best for the educational welfare of the children; and

(3) To enact rules and regulations regarding the creation of school districts by detachment under this subchapter.

(f) In its order creating the new school district under this section, the state board may allow a transition period of up to two (2) consecutive years to allow the new school district to become fully operational.

History. Acts 2001, No. 1673, § 1; 2013, No. 1274, § 2. **Amendments.** The 2013 amendment added (f).

SUBCHAPTER 16 — PUBLIC EDUCATION REORGANIZATION ACT

| SECTION. | SECTION. |
|---|---|
| 6-13-1601. Definitions. | 6-13-1606. Development of plan to track student progress. |
| 6-13-1602. Administrative consolidation list. | 6-13-1608. Audit required. |
| 6-13-1603. Administrative reorganization. | 6-13-1609. Preservation of historical school artifacts. |

SECTION.

6-13-1611. Reports.

6-13-1601. Definitions.

As used in this subchapter:

(1) "Administrative annexation" means the joining of an affected school district or a part of the school district with a receiving district;

(2) "Administrative consolidation" means the joining of two (2) or more school districts to create a new single school district with one (1) administrative unit and one (1) board of directors that is not required to close school facilities;

(3) "Affected district" means a school district that loses territory or students as a result of administrative annexation or administrative consolidation;

(4) "Average daily membership" has the same meaning as defined in § 6-20-2303;

(5) "Receiving district" means a school district or districts that receive territory or students, or both, from an affected district as a result of administrative annexation; and

(6) "Resulting district" means the new school district created from an affected district or districts as a result of administrative consolidation.

History. Acts 2003 (2nd Ex. Sess.), No. 60, § 3; 2005, No. 2151, § 21; 2013, No. 1073, § 12.

Amendments. The 2013 amendment rewrote (4).

6-13-1602. Administrative consolidation list.

By January 1 of each year, the Department of Education shall publish a:

(1) List of all school districts with fewer than three hundred fifty (350) students according to the school district average daily membership in the school year immediately preceding the current school year; and

(2) Consolidation list that includes all school districts with fewer than three hundred fifty (350) students according to the school district average daily membership in each of the two (2) school years immediately preceding the current school year.

History. Acts 2003 (2nd Ex. Sess.), No. 60, § 3; 2005, No. 2151, § 22; 2011, No. 989, § 10.

subdivided the former section; and substituted "by January 1 of each year" for "By February 1, 2004, and each January 1 thereafter" in the introductory language.

Amendments. The 2011 amendment

6-13-1603. Administrative reorganization.

(a)(1) Any school district included in the Department of Education's consolidation list under § 6-13-1602 may voluntarily agree to administratively consolidate with or be annexed to another school district or

districts in accordance with the requirements and limitations of this section.

(2)(A) Any school district on the consolidation list choosing to voluntarily administratively consolidate or annex shall submit a petition for approval to the State Board of Education by March 1 immediately following publication of the list and shall set forth the terms of the administrative consolidation or annexation agreement in the petition.

(B) If the petition is approved by the state board, the administrative consolidation or annexation shall be completed by May 1, to be effective July 1 immediately following the publication of the list required under § 6-13-1602.

(3) Any school district on the consolidation list that does not submit a petition under subdivision (a)(2)(A) of this section or that does not receive approval by the state board for a voluntary consolidation or annexation petition shall be administratively consolidated by the state board with or into one (1) or more school districts by May 1, to be effective July 1 immediately following the publication of the list required under § 6-13-1602.

(4) The state board shall promptly consider petitions or move on its own motion to administratively consolidate a school district on the consolidation list in order to enable the affected school districts to reasonably accomplish any resulting administrative consolidation or annexation by July 1 immediately following the publication of the list required under § 6-13-1602.

(5) The state board shall not deny the petition for voluntary administrative consolidation or annexation of any two (2) or more school districts unless:

(A) The provisions contained in the articles of administrative consolidation or annexation would violate state or federal law; or

(B) The voluntary consolidation or annexation would not contribute to the betterment of the education of students in the school district.

(b) Any school district required to be administratively consolidated under this subchapter shall be administratively consolidated in such a manner as to create a resulting district with an average daily membership meeting or exceeding three hundred fifty (350).

(c) All administrative consolidations or annexations under this section shall be accomplished so as not to create a school district that hampers, delays, or in any manner negatively affects the desegregation of another school district in this state.

(d) In the administratively consolidated or annexed school districts created under this subchapter, the ad valorem tax rate shall be determined as set forth under § 6-13-1409.

(e) Nothing in this section shall be construed to require the closing of any school or school facility.

(f) No administratively consolidated or annexed school district shall have more than one (1) superintendent.

(g) Any school district not designated as being in academic or fiscal distress for the current school year and previous two (2) school years that administratively receives by consolidation or annexation a school district designated by the state board as being in academic or fiscal distress at the time of consolidation or annexation shall not be subject to academic or fiscal distress sanctions for a period of three (3) years from the effective date of consolidation unless:

(1) The school district fails to meet minimum teacher salary requirements; or

(2) The school district fails to comply with the Standards for Accreditation of Arkansas Public Schools and School Districts issued by the department.

(h) Noncontiguous school districts may voluntarily consolidate if the facilities and physical plant of each school district:

(1) Are within the same county, and the state board approves the administrative consolidation; or

(2) Are not within the same county, and the state board approves the administrative consolidation or administrative annexation and finds that:

(A) The administrative consolidation or administrative annexation will result in the overall improvement in the educational benefit to students in all of the school districts involved; or

(B) The administrative consolidation or administrative annexation will provide a significant advantage in transportation costs or service to all of the school districts involved.

(i) Contiguous school districts may administratively consolidate even if they are not in the same county.

(j) The state board shall promulgate rules to facilitate the administration of this subchapter.

(k) The provisions of §§ 6-13-1415 — 6-13-1417 shall govern the board of directors of each resulting district or receiving district created under this subchapter.

History. Acts 2003 (2nd Ex. Sess.), No. 60, § 3; 2005, No. 1397, § 1; 2005, No. 1962, § 9; 2005, No. 2151, § 23; 2011, No. 1217, § 5.

Amendments. The 2011 amendment substituted “§ 6-13-1415 — 6-13-1417” for “§ 6-13-1406” in (k).

6-13-1606. Development of plan to track student progress.

(a) Following the administrative consolidation or administrative annexation under §§ 6-13-1601 — 6-13-1603, 6-13-1604 [repealed], and 6-13-1605 [repealed] effective before December 1, 2004, and before any consolidation, annexation, detachment, approval of a conversion charter, or any other type of reclassification or reorganization of a school district after December 1, 2004, each receiving district or resulting district and the Department of Education shall develop a plan to track the educational progress of all students from the affected district and the following subgroups of those students:

(1) Students who have been placed at risk of academic failure as required under § 6-15-1602;

(2) Economically disadvantaged students;

(3) Students from major racial and ethnic groups; and

(4) Specific population groups as identified by the State Board of Education, the department, the affected district, or the receiving district as target groups for closing the achievement gaps.

(b) The receiving or resulting district shall obtain and retain all student records from the affected district for the five (5) years immediately preceding the administrative consolidation or administrative annexation, specifically including, but not limited to:

(1) Individual student records;

(2) Attendance records;

(3) Enrollment records;

(4) Assessment records for assessments required under the Arkansas Comprehensive Testing, Assessment, and Accountability Program Act, § 6-15-401 et seq., specifically including benchmark assessments and end-of-course assessments; and

(5) ACT and SAT results and records.

(c) The school district shall report to the department information determined by the department as necessary to track the educational progress of all students from the affected district as a subgroup and the following subgroups of those transferred students:

(1) Students who have been placed at risk of academic failure as required under § 6-15-1602;

(2) Economically disadvantaged students; and

(3) Students from major racial and ethnic groups.

(d) By November 1, 2005, and by November 1 each year thereafter, the department shall file a written report with the Governor, the chair of the interim House Committee on Education, the chair of the interim Senate Committee on Education, and the secretary of the Legislative Council assessing the educational progress of all students from the affected district as a subgroup and the following subgroups of those transferred students:

(1) Students who have been placed at risk of academic failure as required under § 6-15-1602;

(2) Economically disadvantaged students; and

(3) Students from major racial and ethnic groups.

History. Acts 2005, No. 1198, § 1;
2009, No. 376, § 12.

Amendments. The 2009 amendment
made minor stylistic changes in (a).

6-13-1608. Audit required.

(a) The Division of Legislative Audit shall conduct a comprehensive financial review of all the school district's financial matters for any school that is involved in administrative consolidation or administrative annexation or is otherwise reorganized by the State Board of Education.

(b) The comprehensive financial review shall begin no less than ten (10) days after the earliest of:

(1) The publication of the district's name on the consolidation and annexation list under § 6-13-1602;

(2) The filing of a petition for voluntary administrative consolidation or administrative annexation; or

(3) The adoption of a motion by the state board to consolidate, annex, or otherwise reorganize a school district designated as being in academic or fiscal distress.

(c)(1) Beginning on the date of publication of the consolidation list under § 6-13-1602 each year, the Department of Education shall have authority to oversee all fiscal and accounting-related matters of all school districts on the consolidation list and shall require those school districts to have accurate records necessary to close all books within sixty (60) days after the end of the fiscal year.

(2) No contract or other debt obligation incurred by a school district for which the department has oversight authority under this section shall be valid or enforceable against a resulting school district unless the contract or other debt obligation is preapproved in writing by the Commissioner of Education or his or her designee.

(d) Any school that is involved in an administrative consolidation or administrative annexation shall have an audit started within thirty (30) days of the completion of the closing of the books by the school district.

(e) The department and the division shall jointly develop the scope and details of the comprehensive fiscal review consistent with the requirements of this section.

(f) A school district may not incur debt without the prior written approval of the department if the school district is identified by the department under § 6-13-1602(1) as having fewer than three hundred fifty (350) students according to the school district average daily membership in the school year immediately preceding the current school year.

History. Acts 2005, No. 1236, § 1; **Amendments.** The 2011 amendment 2011, No. 989, § 11. added (f).

6-13-1609. Preservation of historical school artifacts.

Following the administrative consolidations or administrative annexations under §§ 6-13-1601 — 6-13-1603, 6-13-1604 [repealed], and 6-13-1605 [repealed] effective before December 1, 2004, and before any consolidation, annexation, detachment, approval of a conversion charter, or any other type of reclassification or reorganization of a school district after December 31, 2004, a receiving district or resulting district shall obtain, retain, preserve, and, as appropriate, display historical artifacts of the affected district in the same manner as if the historical artifacts were those of the receiving district or resulting district.

History. Acts 2005, No. 2229, § 1; 2007, No. 1594, § 1; 2009, No. 376, § 13. **Amendments.** The 2009 amendment made minor stylistic changes.

6-13-1611. Reports.

(a) By October 1 of each year, the resulting district or receiving district of any school district that was administratively consolidated or administratively annexed under §§ 6-13-1601 — 6-13-1603, 6-13-1604 [repealed], and 6-13-1605 [repealed] shall file a written report with the interim House Committee on Education, the interim Senate Committee on Education, and the Department of Education indicating:

(1) What efforts were made and the results of those efforts for inclusion of parents from the affected district in the receiving district’s or the resulting district’s activities, including without limitation:

- (A) Parent-teacher associations;
- (B) Booster clubs; and
- (C) Parent involvement committees;

(2) The number and percentage of students from the affected districts participating in an extracurricular activity, itemized by each extracurricular activity offered by the school district and, for each activity, which school district the student attended before reorganization; and

(3) The employment status of each administrator by name, gender, and race before the administrative annexation or administrative consolidation, which school employed the administrator before administrative consolidation, and his or her employment status in the receiving district or the resulting district.

(b) The department shall develop or approve a survey to be used by the resulting or receiving districts to capture perceptual data from parents and students regarding their opinions on:

(1) Opportunities for inclusion or participation in the resulting or receiving district; and

(2) The efforts, if any, that were made to include parents from the affected district in the receiving or resulting district’s activities, including, but not limited to, parent-teacher associations, booster clubs, and parent involvement committees.

History. Acts 2005, No. 2321, § 1; 2009, No. 376, § 14. “October 1, 2005, and by October 1 of each year thereafter” in (a); redesignated (a)(1);

Amendments. The 2009 amendment substituted “October 1 of each year” for and made minor stylistic changes.

CHAPTER 14

SCHOOL ELECTIONS

SECTION.

6-14-102. Annual school election date — Special school election.

6-14-106. Polling places — Qualifications and appointment of elec-

SECTION.

tion commissioners and poll workers.

6-14-111. Ballots — Write-in candidates.

6-14-118. Expenses.

SECTION.

6-14-122. Consolidation, annexation, or merger of school districts.

Effective Dates. Acts 2009, No. 1469, § 32: Apr. 10, 2009. Emergency clause provided: "It is found and determined by the General Assembly of the State of Arkansas that it is the state's constitutional obligation to provide a general, suitable, and efficient free system of public schools in the state; that the public school funding distribution changes in this act are needed to ensure that proper funding is provided to the affected public schools and school districts; and that this act is immediately necessary so that the affected public schools and school districts will receive the amount of funding for the current school year. Therefore, an emergency is declared to exist and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on: (1) The date of its approval by the Governor; (2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or (3) If the bill is vetoed by the

Governor and the veto is overridden, the date the last house overrides the veto."

Acts 2009, No. 1480, § 117: Apr. 10, 2009. Emergency clause provided: "It is found and determined by the General Assembly of the State of Arkansas that this act makes various revisions to Arkansas election laws that are designed to improve the administration of elections and special elections and that these revisions should be implemented as soon as possible so that the citizens of this state may benefit from improved election procedures. Therefore, an emergency is declared to exist and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on: (1) The date of its approval by the Governor; (2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or (3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto."

Acts 2011, No. 1185, § 21: Oct. 2, 2011.

6-14-102. Annual school election date — Special school election.

(a)(1) The annual school election shall be held in each school district of the state on the third Tuesday in September.

(2) The annual school election shall only concern issues authorized to be on the ballot by the Arkansas Constitution or by statute, and no other issues shall appear on the ballot.

(b) The board of directors of any school district shall have the authority to hold a school election concerning the tax rate or debt issues on a date other than that fixed by law provided that:

(1) All constitutional and statutory requirements for the annual school election are met, notwithstanding subdivision (a)(1) of this section;

(2) The election is held before the date of the annual school election; and

(3) The Commissioner of Education approves the date of the election.

(c)(1) In any election year, if no more than one (1) candidate for any school district director position presents a petition or notice as required by § 6-14-111 and if there are no other ballot issues to be submitted to

school district electors for consideration, with the exception of the local tax rate if that rate is not being changed or restructured, the board of directors of any school district, by resolution, may request the county board of election commissioners to reduce the number of polling places or to open no polling places on election day so that the election can be conducted by absentee ballot and early voting only.

(2)(A) If requested by proper resolution adopted by the board of directors of any school district, the county board of election commissioners may provide that no polling places be open on election day so that the election can be conducted by absentee ballot and early voting only.

(B) If a county uses electronic voting machines or electronic vote tabulating devices, the county board of election commissioners may use:

(i) The electronic voting machines or electronic vote tabulating devices; or

(ii) Paper ballots counted by hand and provide no voting machines to be used in the election, notwithstanding any other provision in the Arkansas Code.

History. Acts 1959, No. 248, § 1; 1963, No. 121, § 1; 1967, No. 171, § 1; A.S.A. 1947, § 80-301; Acts 1987, No. 969, § 1; 1988 (3rd Ex. Sess.), No. 4, § 1; 1988, (3rd Ex. Sess.), No. 11, § 1; 1993, No. 181, § 1; 1993, No. 294, § 8; 1994 (1st Ex. Sess.), No. 1, § 6; 1995, No. 1131, § 1; 1995, No. 1281, § 1; 1997, No. 545, § 1; 1997, No. 1120, § 1; 1999, No. 1078, § 49; 1999, No. 1196, § 1; 2003, No. 1295, § 1; 2003, No. 1441, § 3; 2005, No. 1174, § 1; 2005, No. 2145, § 3; 2005, No. 2233, § 1; 2007, No. 1049, § 4; 2009, No. 959, § 46; 2009, No. 1469, § 2; 2013, No. 1215, § 1.

Amendments. The 2009 amendment by No. 959 deleted “in writing to the county board of election commissioners”

following “notice” in (c)(1); deleted (c)(2)(B) and (c)(2)(C) and redesignated the remaining subdivisions as (c)(2)(A) and (c)(2)(B); inserted “proper” in (c)(2)(A); and substituted “and may provide that no voting machines shall be used in the election, notwithstanding any other provision in the Arkansas Code” for “in combination with voting machines equipped for use by individuals with disabilities” in (c)(2)(B); and made a related change.

The 2009 amendment by No. 1469, in (c)(1), inserted “any” following “candidate for” and “position” preceding “presents a petition.”

The 2013 amendment rewrote (c)(2)(B).

6-14-106. Polling places — Qualifications and appointment of election commissioners and poll workers.

(a)(1) The county board of election commissioners of each county shall designate all the polling sites for each school district in its respective county, including districts having territory in more than one (1) county but which are domiciled in its county for administrative purposes, and shall provide the election supplies and appoint the poll workers for holding all school elections.

(2) The county board shall consult with each school district regarding:

(A) The number of polling sites to designate for each school district; and

(B) The location of the polling sites.

(3) Polling sites for school elections shall be established by a majority vote of the members of the county board of election commissioners present.

(4)(A) The polling sites for each school election shall be the same as those established for the immediately preceding school election unless changed by order of the county board of election commissioners.

(B) Each polling site for a school district's annual school election shall be located within the school district.

(b) If a school district has territory in more than one (1) county, the county board of election commissioners of the county in which the school district is domiciled shall designate in a contested school election one (1) or more polling sites in each county:

(1) In which the school district has territory;

(2) In which school district territory contains a city of the second class or larger; and

(3) That has registered electors.

(c) The county board of election commissioners shall take appropriate action to assure that the necessary precinct registration files are delivered to each polling site in order that the electors in each county may vote in the school election.

(d) The board of directors of each school district shall cause to be published, by at least one (1) insertion in a newspaper with general circulation in the county or counties in which the school district is located, not more than ten (10) days nor less than three (3) days before any school election, a notice identifying the polling site for each ward or precinct. If the polling site for any ward or precinct has changed since the last school election, the notice shall indicate the change.

(e)(1) In addition to any other qualification under Arkansas law regarding members of the county board of election commissioners, a member of the county board of election commissioners who is a paid employee of any school district holding the election in the county shall be disqualified from participating as a member of the county board of election commissioners in any matter concerning the school election.

(2) In the event of a disqualification under subdivision (e)(1) of this section, the disqualified member shall notify the chair of the county committee of the affected party of the disqualification no later than sixty (60) days before the school election, or if the disqualified member is the county chair, the notice shall be provided to the chair of the state committee of the affected party.

(3) The chair of the county committee of the party affected by disqualification of a member of the county board of election commissioners shall appoint a qualified person to replace the disqualified member for the school election, or if the disqualified member is the county chair, the state chair of the affected party shall appoint a qualified person to replace the disqualified member for the school election.

(f)(1) The county board of election commissioners of the domicile county shall appoint one (1) election judge and one (1) election sheriff

for each polling site and as many additional election clerks as are necessary for the efficient administration of elections at each polling site.

(2) In addition to any other qualification under Arkansas law regarding poll workers, a poll worker at a school election shall not be a paid employee of the school district holding the election.

History. Acts 1951, No. 403, § 1; 1979, No. 117, § 1; 1979, No. 829, § 1; A.S.A. 1947, §§ 80-318, 80-319.1; Acts 1997, No. 443, § 1; 2005, No. 1174, § 3; 2009, No. 292, § 1; 2009, No. 1294, § 1; 2009, No. 1480, § 3.

Amendments. The 2009 amendment by No. 292 inserted (a)(2) and (a)(3).

The 2009 amendment by No. 1294 rewrote (b) and (c).

The 2009 amendment by No. 1480 rewrote the section heading; substituted "poll workers" for "election officials" in (a)(1); rewrote (a)(3); inserted (a)(4); inserted "school" in the last sentence in (d); and added (e) and (f)

6-14-111. Ballots — Write-in candidates.

(a)(1) All candidate filings pursuant to this subchapter shall be with the county clerk of the county in which the school district is domiciled for administrative purposes.

(2) All actions required of county boards of election commissioners shall be performed by the county board of election commissioners of the county in which the school district is domiciled for administrative purposes.

(b) The county board of election commissioners shall prepare and furnish ballots and all other necessary supplies for the annual school election.

(c) A candidate for a position on the board of directors of a school district may qualify for the ballot by filing a political practices pledge, an affidavit of eligibility, and either:

- (1) A petition; or
- (2) A notice of write-in candidacy.

(d)(1) The petition shall be directed to the county clerk and shall contain the names of at least twenty (20) registered voters who are residents of the school district and, if applicable, the electoral zone for the position.

(2) The petition shall:

(A) State the name and title of the candidate that the candidate proposes to appear on the ballot; and

(B) Identify the position sought, including without limitation the position number or other identifying information if applicable.

(e) The petition, affidavit of eligibility, and the candidate's political practices pledge shall be filed with the clerk during a one-week period ending at 12:00 noon seventy (70) days before the annual school election.

(f)(1) Candidates may begin circulating petitions not earlier than one hundred (100) days before the annual school election.

(2) A signature dated more than one hundred (100) days before the school election shall not be counted by the clerk as a valid signature.

(g) Votes for a write-in candidate for school district director shall not be counted or tabulated unless the candidate files with the county clerk during a one-week period ending at 12:00 noon seventy (70) days before the annual school election:

(1) A written notice of his or her intention to be a write-in candidate identifying the position sought, including without limitation the position number or other identifying information if applicable;

(2) An affidavit of eligibility; and

(3) The political practices pledge.

(h) The county board of election commissioners shall place on the ballot as candidates for school district director the names of any qualified registered voters whose political practices pledges and affidavits of eligibility have been filed and whose petitions have been filed with and verified by the county clerk of the county in which the school district is domiciled for administrative purposes.

(i)(1) On the day after the deadline for candidates to file for a position on the board of directors by petition, the county clerk shall certify to the board of election commissioners the names of those candidates who are registered voters in the school district and the electoral zone, if applicable, and who have qualified for the ballot by petition.

(2) Immediately after the close of the write-in filing period, the county clerk shall certify to the county board of election commissioners any write-in candidates who have filed the affidavit of eligibility, the notice of write-in candidacy, and the political practices pledge with the clerk.

(j) The order in which the names of the respective candidates are to appear on the ballot shall be determined by lot at the public meeting of the county board of election commissioners held not later than sixty-seven (67) days before the annual school election.

(k) When a candidate has identified the position sought on the petition or notice of write-in candidacy, the candidate shall not be allowed to change the position on that petition or notice of write-in candidacy but may withdraw a petition or notice of write-in candidacy and file a new petition or notice of write-in candidacy designating a different position before the deadline for filing.

History. Acts 1969, No. 70, § 1; A.S.A. 1947, § 80-308; Acts 1991, No. 294, § 1; 1997, No. 443, § 2; 1999, No. 1078, § 51; 2001, No. 994, § 1; 2003, No. 1473, § 4; 2005, No. 1174, § 5; 2007, No. 1049, § 5; 2009, No. 1480, § 4; 2011, No. 1185, § 1.

Amendments. The 2009 amendment rewrote (c), (d), (g), and (i)(2); inserted "affidavit of eligibility" in (e); inserted "and affidavits of eligibility" in (h); and added (k).

The 2011 amendment substituted "seventy (70)" for "sixty (60)" in (e); substituted "one hundred (100)" for "ninety (90)" in (f)(1) and (f)(2); substituted "seventy (70)" for "fifty-five (55)" in the introductory language of (g); and substituted "sixty-seven (67)" for "fifty-five (55)" in (j).

Effective Dates. Acts 2011, No. 1185, § 21: Oct. 2, 2011.

6-14-116. Contest of election.**CASE NOTES****Applicability.**

School district residents attempted to state a cause of action in illegal exaction, Ark. Const., Art. 16, § 13, and the circuit court erred in finding that they alleged a cause of action contesting the school dis-

trict election, under this section; the circuit court had to determine whether the residents had stated a cause of action in illegal exaction on remand. *Dollarway Patrons for Better Sch. v. Dollarway Sch. Dist.*, 374 Ark. 92, 286 S.W.3d 123 (2008).

6-14-118. Expenses.

(a)(1) In school elections, the school districts in the county shall reimburse the county for the cost of the election less expenses incurred for election officials at individual polling places, with each school district's share of the total being determined by multiplying the total cost of the election by a fraction, the numerator of which is the number of votes cast in the specific school election and the denominator of which is the total number of votes cast in the entire election.

(2) Expenses incurred for election officials at individual polling places shall be paid by the school district in which the polling place is located.

(b) At all annual or special elections, the board of directors of each school district shall pay the expenses of the election out of the school fund.

History. Acts 1931, No. 169, § 85; Pope's Dig., § 11519; A.S.A. 1947, § 80-315; Acts 1987, No. 248, § 13; 1993, No. 978, § 1; 2007, No. 1200, § 1; 2009, No. 292, § 2.

Amendments. The 2009 amendment inserted (a)(2); and inserted "less expenses incurred for election officials at individual polling places" in (a)(1).

CASE NOTES**Officer's Pay.**

School district was not required to reimburse a county for overtime pay provided by the county to the county clerk for work related to a school district election because the clerk was not entitled to overtime pay, since (1) a contract to pay an officer more or less compensation than that fixed by law was contrary to public policy and void; (2) although § 14-14-1204 (2007) provided ranges for the salaries of elected county officers such as the clerk, it still instructed that, pursuant to those

ranges, the annual salaries were to be fixed by ordinance; and (3) overtime pay to the county clerk was not an appropriate election expense pursuant to this section, as given the history of this statute, it was clear that the legislature did not anticipate overtime pay of elected county officials when it created a law requiring school districts to pay for election expenses. *Helena-West Helena Sch. Dist. v. Fluker*, 371 Ark. 574, 268 S.W.3d 879 (2007).

6-14-119. Compensation of election officials.**CASE NOTES**

Cited: Helena-West Helena Sch. Dist.
v. Fluker, 371 Ark. 574, 268 S.W.3d 879
(2007).

6-14-122. Consolidation, annexation, or merger of school districts.

(a) The consideration of the question of the consolidation or annexation of two (2) or more school districts, or parts thereof, in their entirety, kindergarten through twelfth grade (K-12), may be made at the annual school election with the issue of combining the school districts and the levying of a specified tax millage to support the new school district placed on the ballot as a single issue in order to assure that when the two (2) or more school districts, or parts thereof, are combined into one (1) school district, a single millage will be levied for support of the new school district.

(b) The boards of directors of the school districts may, by resolution duly adopted and with the approval of the Commissioner of Education, set a date for the annual school election in that year for the school districts involved on a date other than the date set in § 6-14-102 for all school districts, provided only one (1) annual school election may be held in any school district in one (1) calendar year.

(c) If the State Board of Education is petitioned by the board of directors of a school district or districts, by resolution duly adopted by majority vote of each of the local boards of directors, or when petitioned by at least twenty-five percent (25%) of the qualified electors of a school district or districts as certified in writing by the county clerk of each county where the school district or districts are located, the state board may call a special election to be held in accordance with § 7-11-201 et seq. to consider the question of consolidation or annexation of the school districts as otherwise allowed for in subsection (a) of this section.

(d) The special election on consolidation or annexation shall be held by the same officials at the same polling places, and the returns shall be made, canvassed, and published in the same manner as is provided by law for annual school elections.

(e) If an election is not held in the newly formed school district, the vote on the millage for the newly formed school district will be held at the next annual school election.

History. Acts 1992 (1st Ex. Sess.), No. 62, § 1; 2001, No. 1225, § 2; 2005, No. 2145, § 5; 2007, No. 1049, § 7; 2009, No. 1480, § 5.

Amendments. The 2009 amendment substituted “§ 7-11-201 et seq.” for “§ 7-5-103(b)” in (c).

CHAPTER 15

EDUCATIONAL STANDARDS AND QUALITY GENERALLY

SUBCHAPTER.

1. GENERAL PROVISIONS.
2. QUALITY EDUCATION ACT OF 2003.
4. ARKANSAS COMPREHENSIVE TESTING, ASSESSMENT, AND ACCOUNTABILITY PROGRAM.
5. HOME SCHOOLS.
10. ARKANSAS PUBLIC EDUCATION ACT.
11. ATTACHING SEALS TO HIGH SCHOOL TRANSCRIPTS AND DIPLOMAS.
12. EDUCATIONAL STANDARDS COMMISSION.
13. SAFE SCHOOLS COMMITTEE.
14. SCHOOL PERFORMANCE REPORT ACT.
16. COMMISSION ON CLOSING THE ACHIEVEMENT GAP IN ARKANSAS.
17. PARENTAL INVOLVEMENT PLAN.
18. ARKANSAS PYGMALION COMMISSION ON NONTRADITIONAL EDUCATION. [REPEALED.]
19. DELTA STUDENT ACADEMIC SUCCESS PLAN.
20. PUBLIC SCHOOL STUDENT PROGRESSION.
21. SCHOOL RATING SYSTEM.
22. SCHOOL IMPROVEMENT AND EDUCATION ACCOUNTABILITY.
26. THE REWARDING EXCELLENCE IN ACHIEVEMENT PROGRAM.
27. CLOSING THE ACHIEVEMENT GAP PROGRAM.
28. DISTRICT OF INNOVATION PROGRAM.

SUBCHAPTER 1 — GENERAL PROVISIONS

SECTION.

6-15-101. Academic standards and expected outcomes.

SECTION.

6-15-102. Division of Public School Accountability.

6-15-101. Academic standards and expected outcomes.

By September 1, 2003, and as updates are necessary each year thereafter, the State Board of Education shall:

- (1) Define and publish academic standards and expected outcomes for students in prekindergarten through grade twelve (preK-12);
- (2) Require that the academic standards and expected outcomes be adopted by local school boards of directors; and
- (3) Require that the academic standards and expected outcomes be implemented by local school districts.

History. Acts 2003, No. 1785, § 1; 2013, No. 1138, § 13.

Amendments. The 2013 amendment substituted "boards" for "board" in (2).

6-15-102. Division of Public School Accountability.

(a)(1) To enhance the public's access to public school performance indicators and to better measure the benefits of the increasing public investment in Arkansas's schools, the General Assembly finds that a Division of Public School Accountability of the Department of Education

should be established under the direct operational control of the Commissioner of Education.

(2) The foremost obligation of the division shall be to administer all monitoring and compliance activities dealing with academic and fiscal accountability for each school or school district and to report academic progress.

(b) There is created the Division of Public School Accountability of the Department of Education.

(c) The division shall be under the supervision of the commissioner.

(d)(1)(A) The commissioner shall select an individual to serve as the assistant commissioner of the division, and the assistant commissioner shall serve at the pleasure of the commissioner.

(B) The commissioner may reassign as necessary appropriate staff for the division sufficient to fulfill all obligations for monitoring and reporting in the division.

(2) The person selected as the assistant commissioner shall:

(A) Be a person of good moral character and qualified technically and by experience to direct the work of the division;

(B) Hold a master's degree or a higher level degree from an accredited institution; and

(C) Have ten (10) years of experience in an administrative, supervisory, or management position.

(3) No person who is related within the fourth degree of consanguinity or affinity to any member of the State Board of Education or to the commissioner shall be eligible to serve as the assistant commissioner.

(e) With guidance and approval from the commissioner, the assistant commissioner shall be responsible for hiring all employees of the division.

(f) The division shall have the following responsibilities:

(1) To monitor schools for compliance with:

(A) State and federal regulations;

(B) Legislative acts and court-ordered mandates;

(C) All standards of learning and accreditation as established by the state board; and

(D) All rules and regulations as established by the state board;

(2) To coordinate the analysis, dissemination, and reporting of all augmented, criterion-referenced, or norm-referenced assessment information;

(3) To coordinate the implementation and administration of:

(A) Longitudinal tracking and trend data collection as established by the state board for the purposes of improving student and school performance, ensuring mastery of the curriculum, and providing comparisons between students within Arkansas and with students in other states;

(B) Value-added assessments as established by the state board; and

(C) The annual school performance reports as established by the state board;

(4) To administer all monitoring and compliance activities dealing with academic and fiscal accountability as established by the state board; and

(5) To work with program approval and licensure sections of the Department of Education, the Department of Higher Education, the Department of Career Education, and the individual colleges to provide information that will contribute to reasonable, equitable, and excellent preparation of licensed personnel in public and private institutions of higher education.

(g)(1) The division shall provide annual reports of school performance or compliance to the Joint Interim Oversight Committee on Education Reform, the interim House Committee on Education, and the interim Senate Committee on Education.

(2) A preliminary report shall be provided by January 1 of each year, and a follow-up report that includes information regarding on-site visits shall be filed by June 1 of each year.

History. Acts 2003 (2nd Ex. Sess.), No. 90, § 1; 2005, No. 1672, § 4; 2007, No. 1573, §§ 2, 68; 2009, No. 376, § 15; 2013, No. 581, § 4; 2013, No. 1138, § 14.

A.C.R.C. Notes. Acts 2013, No. 581, § 5, provided: "The Arkansas Code Revision Commission shall redesignate Arkansas Code § 6-15-102, in light of the repeal of subsection (h)."

Amendments. The 2009 amendment substituted "selected" for "appointed" in (h)(2)(E), (h)(2)(F), and (h)(2)(G).

The 2013 amendment by No. 581 repealed (h).

The 2013 amendment by No. 1138, in (f)(5), substituted "licensure" for "certification" and "licensed" for "certified."

SUBCHAPTER 2 — QUALITY EDUCATION ACT OF 2003

SECTION.

6-15-202. Accreditation — Development of regulations and standards.

6-15-203. Notification of failure to meet standards for accreditation — Appeal.

SECTION.

6-15-213. Course considered as taught under certain circumstances.

6-15-215. The Arkansas Smart Core Incentive Funding Program.

Effective Dates. Acts 2009, No. 1469, § 32: Apr. 10, 2009. Emergency clause provided: "It is found and determined by the General Assembly of the State of Arkansas that it is the state's constitutional obligation to provide a general, suitable, and efficient free system of public schools in the state; that the public school funding distribution changes in this act are needed to ensure that proper funding is provided to the affected public schools and school districts; and that this act is immediately necessary so that the affected public schools and school districts will receive the amount of funding for the current

school year. Therefore, an emergency is declared to exist and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on: (1) The date of its approval by the Governor; (2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or (3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto."

Acts 2009, No. 1481, § 2: July 1, 2009. Emergency clause provided: "It is found and determined by the General Assembly

of the State of Arkansas that it is vital to the state's economy to graduate high school students who are college and workforce ready; that the Smart Core curriculum provides the rigorous course content and instruction needed to prepare high school students for college and the workforce; that schools and students will benefit from the incentive funding provided under this act for the programs necessary to assist students in completing the Smart Core curriculum; that the Department of Education needs to prepare rules to implement the program and school districts need to plan for using the incentive funding in the 2009-2010 school year and that this act is immediately necessary because a delay in the implementation of this act by the Department of Education or by school districts will result in fewer public high school students being prepared for college and the workforce. Therefore, an emergency is declared to exist and this act being necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2009."

Acts 2011, No. 1118, § 5: July 1, 2011. Emergency clause provided: "It is found

and determined by the General Assembly of the State of Arkansas that it is the constitutional obligation of the state to ensure that the state's public school children receive an equal opportunity for an adequate education; that to ensure that opportunity, it is essential that the state's public schools and education service cooperatives operate effective alternative learning environments; that the immediate effectiveness of this bill is necessary for the implementation of the funding changes and for the public schools and education service cooperatives to operate effective alternative learning environments under this bill throughout the state by the 2011-2012 school year; and that any delay in the effective date of this act could work irreparable harm to the quality of education available to students who are educated in alternative learning environments in this state. Therefore, an emergency is declared to exist and this act being necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2011."

6-15-202. Accreditation — Development of regulations and standards.

(a)(1) The State Board of Education is authorized and directed to develop comprehensive regulations, criteria, and standards to be used by the state board and the Department of Education in the accreditation of school programs in elementary and secondary public schools in this state.

(2) In its regulations, criteria, and standards promulgated under this subchapter, the state board shall include a provision regarding the attainment of unitary status for school districts that have not been released from court supervision over desegregation obligations.

(b)(1) All public schools and school districts shall meet the Standards for Accreditation of Arkansas Public Schools and School Districts that shall be adopted by the state board.

(2)(A) Except as provided under subdivisions (b)(2)(B)-(E) of this section, upon a showing of just cause, the state board may grant a waiver of any standard for accreditation for a time period of no longer than one (1) school year, except that no curriculum, student performance, school performance, or any standard required by law may be waived for any time period.

(B) The state board may grant a waiver of a standard for accreditation for a time period of longer than one (1) school year to a school

district for the purpose of combining or embedding the curriculum frameworks from two (2) separate courses into one (1) combined or embedded course if:

(i) The school district timely makes an application for approval of the combined or embedded course to the department under the rules adopted by the state board;

(ii) The school district certifies in writing to the state board that all of the curriculum frameworks for the two (2) separate courses will be fully taught in the proposed combined or embedded course;

(iii) The department verifies in writing to the state board that all of the curriculum frameworks for the two (2) separate courses are included in the proposed combined or embedded course; and

(iv) The proposed combined or embedded course meets all requirements for course approval under the rules adopted by the state board.

(C) The state board shall only grant a waiver of a standard for accreditation for proposed combined or embedded courses in grades five (5) through twelve (12).

(D) If the state board subsequently revises the curriculum frameworks for either of the separate courses that are combined or embedded into a single course, a school district must submit a new waiver request for a combined or embedded course as set forth in subdivisions (b)(2)(B)-(C) of this section.

(E) It is a violation of the Standards for Accreditation of Arkansas Public Schools and School Districts for a school to fail to teach the curriculum frameworks for each separate course that is combined or embedded into a single course.

(F) The state board shall promulgate rules necessary to administer subdivisions (b)(2)(B)-(E) of this section.

(3) A school district is deemed to have failed to meet the standards if on any standard applicable to the general operation of a school district as defined by the state board the school district receives a probationary status.

(4) A school is deemed to have failed to meet the standards if on any standard applicable to the specific operation of that school as defined by the state board the school receives a probationary status.

(c) The state board shall promulgate rules and regulations setting forth:

(1) The process for identifying schools and school districts that fail to meet the standards;

(2) Enforcement measures the state board may apply to bring a school or school district into compliance with the standards, including, but not limited to, annexation, consolidation, or reconstitution of the school district in accordance with § 6-13-1401 et seq. and this subchapter; and

(3) The appeal process available to a school district under this subchapter.

(d) After the regulations are adopted and implemented by the state board, standards and procedures shall regularly be reviewed by the

interim House Committee on Education and the interim Senate Committee on Education at least one (1) time every two (2) years, and recommendations and advice may be filed by the committees with the state board for its consideration.

(e)(1) The department shall conduct an on-campus Standards for Accreditation of Arkansas Public Schools and School Districts review for each school district in the state no less than one (1) time every four (4) years.

(2) The department may visit any school campus for an on-campus Standards for Accreditation of Arkansas Public Schools and School Districts review at other additional times as determined necessary by the Commissioner of Education or the state board.

(f) The commissioner may require that the superintendent of each school district file a written statement with the department as evidence that the school district for which the superintendent is responsible has complied with any or all of the following statutory requirements:

- (1) Section 6-10-111 (d)-(f) concerning the Equity Assistance Center;
- (2) Section 6-11-129(a)(1) concerning data to be accessible on the department's website;
- (3) Section 6-13-109 concerning employment of a school superintendent;
- (4) Section 6-13-620 concerning powers and duties of the local school board of directors;
- (5) Section 6-13-801 et seq. concerning educational compacts;
- (6) Section 6-15-202(b)(1) concerning accreditation;
- (7) Section 6-15-401 et seq. concerning the Arkansas Comprehensive Testing, Assessment, and Accountability Program;
- (8) Section 6-15-502 concerning home schools;
- (9) Section 6-15-902 concerning grading scale;
- (10) Section 6-15-1004 concerning qualified teachers;
- (11) Section 6-15-1101(b) concerning diplomas;
- (12) Section 6-15-1402 concerning the school performance report;
- (13) Section 6-15-1603 concerning closing the achievement gap;
- (14) Section 6-15-1701 et seq. concerning a parental involvement plan;
- (15) Section 6-15-2009 concerning remedial instruction;
- (16) Section 6-16-102 concerning school day;
- (17) Section 6-16-103 concerning course of study generally;
- (18) Section 6-16-124 concerning Arkansas history;
- (19) Section 6-16-126 concerning food handling safety;
- (20) Section 6-16-130 concerning visual art and music;
- (21) Section 6-16-132 concerning physical education;
- (22) Section 6-16-1002 concerning health education;
- (23) Section 6-16-1003 concerning oral health standards;
- (24) Section 6-16-1201 et seq. concerning advanced placement and concurrent enrollment;
- (25) Section 6-17-102 concerning emergency first aid personnel;
- (26) Section 6-17-201 concerning personnel policies;

- (27) Section 6-17-309 concerning licensure;
- (28) Section 6-17-401 et seq. concerning teacher's license requirement;
- (29) Section 6-17-2301 concerning establishment of personnel policies;
- (30) Section 6-17-2403 concerning teacher compensation;
- (31) Section 6-18-101 concerning qualifications for valedictorian and salutatorian;
- (32) Section 6-18-201 et seq. concerning compulsory attendance;
- (33) Section 6-18-202 concerning age and residence for attending public schools;
- (34) Section 6-18-207 concerning minimum age for enrollment in public school;
- (35) Section 6-18-211 concerning attendance for students in grades nine through twelve (9-12);
- (36) Section § 6-18-213 concerning attendance records and reports generally;
- (37) Section 6-18-223 concerning credit for college courses;
- (38) Section 6-18-501 et seq. concerning guidelines for development of school district student discipline policies and written student discipline policies;
- (39) Section 6-48-101 et seq. concerning alternative learning environments;
- (40) Section 6-48-103 concerning assessment and intervention in alternative learning environments;
- (41) Section 6-18-701 et seq. concerning physical examinations;
- (42) Section 6-18-1005 concerning a student services program;
- (43) Section 6-19-101 concerning transportation;
- (44) Section 6-20-2202 concerning the budget and expenditure report;
- (45) Section 6-21-106 concerning fire hazards inspection prior to closing for breaks;
- (46) Section 6-21-112 concerning school facilities;
- (47) Section 6-25-101 et seq. concerning the public school library media and technology;
- (48) Section 6-41-101 et seq. concerning services to children with disabilities in nonpublic schools;
- (49) Section 6-42-101 concerning gifted and talented; and
- (50) Any other statutory mandate for school districts identified by the department as relevant to the Standards for Accreditation of Arkansas Public Schools and School Districts.

(g) In addition to any written statement of assurance required under subsection (f) of this section, the department may conduct an on-site review of a school district to confirm that a school district has complied with any statutory requirements listed in subsection (f) of this section or any other matter related to the standards.

(h) The department shall establish a form for the written statement of assurance required under subsection (f) of this section and shall

establish a date or dates by which school districts shall submit the written statement of assurance required under subsection (f) of this section.

(i) If any superintendent fails to file a written statement of assurance as required by the commissioner under subsection (f) of this section by the date established by the department or knowingly submits false information or if the department determines the information in the statement is inaccurate or incomplete, the department may:

- (1) Conduct a random on-site visit;
- (2) Request additional information from the school district;
- (3) Take licensure action on the license of the superintendent under the procedure of § 6-17-410; or
- (4) Find the school or school district in citation or probationary violation of the Standards for Accreditation of Arkansas Public Schools and School Districts.

History. Acts 1983, No. 445, § 4; A.S.A. 1947, § 80-4604; Acts 1997, No. 112, § 3; 2003, No. 1467, § 2; 2005, No. 1684, § 1; 2005, No. 2131, § 26; 2007, No. 54, § 2; 2007, No. 829, § 2; 2011, No. 1118, § 1; 2013, No. 421, § 1; 2013, No. 1138, §§ 15, 16.

Amendments. The 2011 amendment substituted “§ 6-48-101 et seq.” for “§

6-18-508” in (39); and substituted “§ 6-48-103” for “§ 6-18-509” in (40).

The 2013 amendment by No. 421 redesignated former (b)(2) as (b)(2)(A), and added (b)(2)(B) through (b)(2)(F).

The 2013 amendment by No. 1138 substituted “licensure” for “certification” in (f)(27); and substituted “§ 6-17-2403” for “§ 6-17-2402” in (f)(30).

6-15-203. Notification of failure to meet standards for accreditation — Appeal.

(a)(1) The Department of Education annually shall notify all schools or school districts failing to meet standards for accreditation for elementary and secondary schools not later than May 1 of each year of this determination.

(2)(A) However, at any time the department may immediately notify a public school or school district failing to meet standards for accreditation for elementary and secondary schools when the failure is discovered by the department under § 6-15-202(i).

(B) A public school or school district notified by the department of the public school’s or school district’s failure to meet the standards for accreditation due to actions taken under § 6-15-202(i) shall have the same period of time to appeal to the State Board of Education as provided under subdivision (b)(3) of this section.

(b)(1) In the event that a school district affected by this subchapter believes the department has improperly determined that a school or school district fails to meet the standards for accreditation, the school district shall have a right of appeal thereafter to the State Board of Education.

(2) Any appeal shall be held in an open hearing, and the decision of the state board shall be in open session.

(3) Appeals must be filed not later than May 15 following the May 1 determination of accreditation status, and the state board hearing must be held prior to June 30 of the same calendar year.

(4) The state board may confirm the classification of a local school or school district as determined by the department, or it may sustain the appeal of the school district.

(5) An aggrieved school district may appeal the ruling of the state board to Pulaski County Circuit Court pursuant to the Arkansas Administrative Procedure Act, § 25-15-201 et seq.

History. Acts 1983, No. 445, § 6; A.S.A. 1947, § 80-4606; Acts 1993, No. 603, § 1; 2003, No. 1467, § 3; 2009, No. 1469, § 3; 2011, No. 989, §§ 12, 13.

The 2011 amendment substituted “May 1” for “May 15” in (a)(1) and (b)(3); and in (b)(3), substituted “May 15” for “May 30” and “June 30” for “August 15.”

Amendments. The 2009 amendment rewrote (a).

6-15-213. Course considered as taught under certain circumstances.

(a) If a course required to be taught by a school district under the State Board of Education’s standards for accreditation has an enrollment of one (1) or more students and all students enrolled in the course leave the school district after the course has commenced but before the completion of the course in each given school year or school semester the course is to be taught and if no other students that are eligible to take the course enroll to attend the school district campus where the course is required to be taught, the course shall be considered as taught by the school district in compliance with the standards for accreditation under the following conditions:

(1) The school district superintendent certifies in writing that no student eligible to take the required course enrolled to attend the school district campus where the course was required to be taught after the initial student or students left the school district;

(2) The school district provides written proof, as required by the Department of Education, that the school district had the course scheduled to be taught on the school district’s master course schedule during the entire time the course was required to be taught;

(3) The school district provides written proof, as required by the department, that the school district had a properly licensed teacher employed and able to teach the required course during the entire time the course was required to be taught and the course was listed on the school district’s master course schedule;

(4) The department, upon review of proper records of the school district and information certified by the school district superintendent, confirms that the school district satisfied the requirements of subdivisions (a)(1)-(3) of this section and verifies that the information submitted pursuant to subdivisions (a)(1)-(3) of this section is correct; and

(5)(A) At the end of the school semester in which the course was required to be taught, the school district petitions the state board, in

writing, for a waiver of the standards for accreditation requirement that the particular course be taught for that school semester.

(B)(i) The superintendent and the school board president of the school district seeking the waiver shall appear before the state board to present their request for a waiver.

(ii) Representatives of the department shall appear before the state board to confirm and verify the information required to be filed with the department under this section.

(b)(1) Upon satisfaction of the requirements of subsection (a) of this section, the state board shall waive the requirement that the course be taught on a semester basis.

(2) The state board shall waive the requirement for only the semester in which the student or students left the school district.

History. Acts 2007, No. 219, § 1; 2013, substituted “licensed” for “certified” in No. 1138, § 17.

(a)(3).

Amendments. The 2013 amendment

6-15-215. The Arkansas Smart Core Incentive Funding Program.

(a) The General Assembly finds that:

(1) The skills and knowledge gained through Arkansas’s Smart Core curriculum provide the academic foundation required for high school graduates to succeed in their first year of college or in a job that promises a well-paying career track; and

(2) School districts should encourage all students who are capable of completing the Smart Core curriculum to do so.

(b) As used in this section:

(1) “Eligible high school” means each public high school in a school district that meets the criteria to receive incentive funding under subsection (f) of this section and the program rules adopted under this section by the State Board of Education;

(2) “Smart Core” means the curriculum established by the Department of Education under the Standards for Accreditation of Arkansas Public Schools and School Districts that is part of Smart Future, a state initiative focused on improving Arkansas public high schools for all students; and

(3) “Smart Core graduate” means a student who graduated from an Arkansas public high school after having successfully completed the Smart Core curriculum.

(c) The Arkansas Smart Core Incentive Funding Program is established to provide a financial incentive to:

(1) Assist with a public high school’s efforts to encourage public high school students to complete the Smart Core curriculum; and

(2) Promote programs that contribute to student success, including without limitation:

(A) Tutoring;

(B) Quality after-school and summer programs that may include the College Preparatory Enrichment Program (CPEP), literacy, math, and science specialists in elementary school; and

(C) Professional development for mathematics, science, literacy, foreign language, and Advanced Placement instruction; and

(3) Provide support to school counselors to improve student services.

(d)(1)(A) A school district that receives incentive funding under this section shall provide the incentive funding to each eligible high school in the school district.

(B) The eligible high school shall spend the incentive funding only for the purposes identified in subsection (c) of this section.

(2) A school district that receives incentive funding under this program shall not use the incentive funding to provide increases to the salary schedule of the school district.

(e)(1) Subject to an appropriation and available funding for the program, the department shall pay incentive funding to a school district under this section based on an annual percentage of Smart Core graduates from a public high school in the school district.

(2)(A) The department shall make the calculation based on a student record analysis conducted annually by the department beginning with the graduating class of 2010.

(B) The department shall exclude from the student record analysis a student with an individualized education program that does not require a student to complete the Smart Core curriculum.

(f)(1) By June 30 of each year, the department shall pay to a school district incentive funding under the program as follows:

(A) If one hundred percent (100%) of a public high school's graduates in the immediately preceding school year completed the Smart Core curriculum, the school district where the public high school is located shall receive one hundred twenty-five dollars (\$125) per Smart Core graduate;

(B) If at least ninety-five percent (95%) but less than one hundred percent (100%) of a public high school's graduates in the immediately preceding school year completed the Smart Core curriculum, the school district where the public high school is located shall receive one hundred dollars (\$100) per Smart Core graduate; and

(C) If at least ninety percent (90%) but less than ninety-five percent (95%) of a public high school's graduates in the immediately preceding school year completed the Smart Core curriculum, the school district where the public high school is located shall receive fifty dollars (\$50.00) per Smart Core graduate.

(2) The department shall not pay incentive funding to a school district for a public high school in which less than ninety percent (90%) of its graduates complete the Smart Core curriculum.

(3) If a public high school's graduation rate falls below the average graduation rate for the public high school for the previous three (3) school years, the school district is not eligible to receive the full incentive award under the program for the public high school.

(g) Participation in the Arkansas Smart Core Incentive Funding Program is voluntary.

(h) This section is effective from July 1, 2009, through June 30, 2020.

History. Acts 2009, No. 1481, § 1.

SUBCHAPTER 4 — ARKANSAS COMPREHENSIVE TESTING, ASSESSMENT, AND ACCOUNTABILITY PROGRAM

- SECTION.
- 6-15-403. Authority of State Board of Education.
 - 6-15-404. Program implementation.
 - 6-15-419. Definitions.
 - 6-15-420. Remediation and intervention.
 - 6-15-425. School improvement or academic distress.
 - 6-15-426. School improvement.
 - 6-15-428. Academic distress identification, notification, classification, and appeal.
 - 6-15-429. Academic distress — Required action.
 - 6-15-430. State Board of Education authority over a public school

- SECTION.
- or school district in academic distress.
 - 6-15-431. Academic distress rules and regulations.
 - 6-15-433. Statewide assessment program.
 - 6-15-437. Rules.
 - 6-15-440. Arkansas Leadership Academy School Support Program.
 - 6-15-441. Arkansas College and Career Readiness Planning Program.

A.C.R.C. Notes. Acts 2013, No. 1081, § 1, provided: “LEGISLATIVE FINDINGS.

“The General Assembly finds that:

“(1) The purpose of the Arkansas Comprehensive Testing, Assessment, and Accountability Program, § 6-15-401 et seq., is to provide the statutory framework necessary to ensure that all students in the public schools of this state have an equal opportunity to demonstrate grade-level academic proficiency through the application of knowledge and skills in core academic subjects consistent with state curriculum frameworks, performance standards, and assessments;

“(2) To better meet their obligations and responsibilities under the Arkansas Comprehensive Testing, Assessment, and Accountability Program, and to facilitate the adoption of the Common Core State Standards, the State Board of Education and Department of Education are working to transition the state’s assessment program to a common set of next-generation assessments in English language arts and mathematics as approved by the state board;

“(3) When fully implemented, these next-generation assessments will:

“(A) Determine whether students are college and career ready or on track;

“(B) Assess the full range of the Common Core State Standards;

“(C) Measure the full range of student performance, including the performance of high-performing and low-performing students;

“(D) Provide data to inform instruction, interventions, and professional development;

“(E) Provide data for accountability, including measures of growth; and

“(F) Incorporate innovative approaches throughout the assessment system;

“(4) The next-generation assessments will improve on the consistency, frequency, and rigor of the state’s existing assessment system while meeting the purposes and substantive obligations under the Arkansas Comprehensive Testing, Assessment, and Accountability Program;

“(5) To facilitate this transition, amendments to the existing statutory framework are necessary to update terminology and provide flexibility in choice of assessments;

“(6) The existing statutory requirement of high-stakes end-of-course assessments for Algebra I and English II are duplicative of the planned assessments that are expected to include:

“(A) Annual mathematics assessments in grade three (3) through grade eight (8);

“(B) End-of-course assessments in Algebra I and geometry;

“(C) Annual English language arts assessments in grade three (3) through grade eleven (11); and

(C) College and career readiness measurements in both English language arts in grade eleven (11) and mathematics, including Algebra II;

“(7) The total cost of implementing an English II high-stakes end-of-course assessment as required by current law would be in excess of two million dollars (\$2,000,000) based on estimates by the Department of Education;

“(8) With the implementation of the next-generation assessments, implementation of a separate assessment for English II would be an imprudent use of state funds with little or no instructional benefit; and

“(9) It is in the best interest of the public school students of Arkansas to replace existing high-stakes end-of-course assessments for Algebra I and English II with the next-generation assessments that will determine whether students are college and career ready, as defined in § 6-15-419.”

Effective Dates. Acts 2009, No. 222, § 4: February 25, 2009. Emergency clause provided: “It is found and determined by the General Assembly of the State of Arkansas that it is the constitutional obligation of the state to ensure that the state’s public school children receive an equal opportunity for an adequate education; that to ensure that opportunity, it is essential to have strong and effective school leaders; and that this act is immediately necessary to allow the Department of Education, the Department of Higher Education, the Department of Workforce Education, and the Arkansas Leadership Academy to address deficiencies in the Arkansas’s educational leadership system. Therefore, an emergency is declared to exist and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on: (1) The date of its approval by

the Governor; (2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or (3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto.”

Acts 2009, No. 1307, § 6: July 1, 2009. Emergency clause provided: “It is found and determined by the General Assembly of the State of Arkansas that end-of-course assessments for public school students assist the state in measuring a student’s proficiency in reading, writing, and mathematics, which is essential to academic progression for students; that a specified effective date for this act is essential to the continuity of public student assessments, which begin with an early fall testing cycle, and to the efficient operation of the Department of Education and the public schools of this state in preparing for the fall 2009 testing cycle; and that this act is immediately necessary because any delay could work irreparable harm to the department, to the public school districts, and to the students. Therefore, an emergency is declared to exist and this act being necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2009.”

Acts 2011, No. 879, § 4: Mar. 31, 2011. Emergency clause provided: “It is found and determined by the General Assembly of the State of Arkansas that preparing public school students for college and career readiness is a high priority of the state’s educational and economic development systems; that the substantial cost to remediate high school students at the postsecondary level will be reduced by increasing access to postsecondary preparatory programs for public school students in grades eight through eleven (8-11) who are identified as scoring below college readiness benchmarks; and that this act is immediately necessary so that the Department of Education may approve applications and distribute funding for the expanded postsecondary preparatory programs for the current school year. Therefore, an emergency is declared to exist, and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on: (1) The date of its approval by the Governor; (2) If the bill is neither

approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or (3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto."

Acts 2013, No. 600, § 24: Apr. 4, 2013. Emergency clause provided: "It is found and determined by the General Assembly of the State of Arkansas that it is the state's constitutional obligation to provide a general, suitable, and efficient free system of public schools in the state; that state oversight and intervention into distressed school districts is critical to the delivery of a constitutionally adequate education; and that the changes made in this act are immediately necessary for the state to meet this constitutional obligation. Therefore, an emergency is declared to exist, and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on: (1) The date of its approval by the Governor; (2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or (3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto."

Acts 2013, No. 1081, § 23: Apr. 4, 2013. Emergency clause provided: "It is found and determined by the General Assembly of the State of Arkansas that it is the state's constitutional obligation to provide a general, suitable, and efficient free system of public schools in the state; that the transition from the state's existing assessment program to a common set of next-generation assessments in English language arts and mathematics is critical to the delivery of a constitutionally adequate education; and that this act is immediately necessary for school districts and

educators to prepare for the implementation of the new assessment system. Therefore, an emergency is declared to exist, and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on: (1) The date of its approval by the Governor; (2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or (3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto."

Acts 2013, No. 1227, § 7: Apr. 16, 2013. Emergency clause provided: "It is found and determined by the General Assembly of the State of Arkansas that certain provisions of the Arkansas Public School Choice Act of 1989, § 6-18-206, have been found to be unconstitutional by a federal court; that thousands of public school students are currently attending public schools in nonresident school districts under that law; that there is now uncertainty about the viability of those transfers and future transfers; that this act repeals the disputed provisions of that law while preserving the opportunity for public school choice; and that this act is immediately necessary to resolve the uncertainty in the law before the 2013-2014 school year and preserve existing student transfers. Therefore, an emergency is declared to exist, and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on: (1) The date of its approval by the Governor; (2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or (3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto."

6-15-403. Authority of State Board of Education.

(a) The State Board of Education through the Department of Education shall:

(1) Develop a single comprehensive testing, assessment, and accountability program which utilizes the most current and effective testing, evaluation, and assessment research information designed to achieve the following purposes set forth in this subchapter:

- (A) Set clear academic standards that are periodically reviewed and revised;
 - (B) Establish professional development;
 - (C) Establish expected achievement levels;
 - (D) Report on student achievement and other indicators;
 - (E) Provide evaluation data;
 - (F) Recognize academic excellence and failure;
 - (G) Apply awards and sanctions; and
 - (H) Comply with current federal and state law and state board rules and regulations;
- (2) Promulgate rules and regulations as may be necessary to develop and implement the comprehensive testing, assessment, and accountability program;
- (3) Employ staff and enter into contracts as may be necessary to carry out the provisions of this subchapter;
- (4) Classify school services, designate the licensure subject areas, establish competencies, including the use of technology to enhance student learning, and licensure requirements for all school-based personnel, and prescribe rules in accordance with initial, standard, and provisional licenses;
- (5) Identify critical teacher shortage areas; and
- (6) Collect and maintain the management information databases for all components of the public kindergarten through grade twelve (K-12) education system.
- (b) To transition to and implement the Common Core State Standards, the State Board of Education may:
- (1) Modify curriculum and assessment requirements;
 - (2) Adopt new curriculum and assessment requirements; and
 - (3) Direct the Department of Education to:
 - (A) Propose to the state board rules and procedures; and
 - (B) Develop the professional development needed to train educators on the transition and implementation.

History. Acts 1983 (Ex. Sess.), No. 54, § 3; 1983 (Ex. Sess.), No. 89, § 3; A.S.A. 1947, § 80-5803; Acts 1993, No. 846, § 3; 1997, No. 1172, § 3; 1999, No. 999, § 4; 2003, No. 1467, § 9; 2011, No. 989, § 14.

Amendments. The 2011 amendment added (b).

6-15-404. Program implementation.

(a)(1) The State Board of Education shall establish clear, specific, and challenging academic content standards which define what students shall know and be able to do in each content area.

(2) Instruction in all public schools shall be based on these academic content standards.

(b) The state board shall establish a schedule for periodic review and revision of academic content standards to ensure that Arkansas academic content standards are rigorous and equip students to compete in the global workforce.

(c) The state board shall include the following elements in the periodic review and revision of Arkansas academic content standards:

- (1) External review by outside content standards experts;
- (2) Review and input by higher education, workforce education, and community members;
- (3) Study and consideration of academic content standards from across the nation and the international level as appropriate;
- (4) Study and consideration of evaluation from national groups or organizations as appropriate;
- (5) Revisions by committees of Arkansas teachers and instructional supervisor personnel from public schools, assisted by teachers from institutions of higher education; and
- (6) Public dissemination of revised academic content standards at the state board meeting and Department of Education website.

(d) The state board shall establish a clear, concise system of reporting the academic performance of each school on the state-mandated augmented, criterion-referenced, or norm-referenced assessments that conforms with the requirements of the No Child Left Behind Act of 2001.

(e)(1) The state board shall develop and the department shall implement a developmentally appropriate uniform school readiness screening to validate a child's school readiness as part of a comprehensive evaluation design.

(2) Beginning with the 2004-2005 school year, the department shall require that all school districts administer the uniform school readiness screening to each kindergarten student in the school district school system upon the student's entry into kindergarten.

(3) Children who enter public school for the first time in first grade must be administered the uniform school readiness screening developed for use in the first grade.

(f)(1) The department shall select a developmentally appropriate assessment to be administered to all students in first grade and second grade in reading and mathematics.

(2) Professional development activities shall be tied to the comprehensive school improvement plan and designed to increase student learning and achievement.

(3) Longitudinal and trend data collection shall be maintained for the purposes of improving student and school performance.

(4) A public school or public school district classified as in "school improvement" shall develop and file with the department a comprehensive school improvement plan designed to ensure that all students demonstrate proficiency on all portions of state-mandated augmented, criterion-referenced, or norm-referenced assessments. The comprehensive school improvement plan shall include strategies to address the achievement gap existing for any identifiable group or subgroup as identified in the Arkansas Comprehensive Testing, Assessment, and Accountability Program and the gap of that subgroup from the academic standard.

(g) The department shall develop and implement an augmented, criterion-referenced, or norm-referenced assessment program that is valid, reliable, externally linked to a national norm, and vertically scaled for public school students in grades three through eight (3-8), which measures application of knowledge and skills in reading and writing literacy and mathematics. Science, civics, and government shall be measured on a schedule as determined by the state board.

(h)(1) The State of Arkansas shall participate in the administration of the National Assessment of Educational Progress examinations.

(2)(A) Any student failing to achieve the established standard on the Arkansas Comprehensive Assessment Program examinations shall be evaluated by school personnel, who shall jointly develop with the student's parents an academic improvement plan to assist the student in achieving the expected standard in subject areas in which performance is deficient.

(B) The academic improvement plan shall describe the parent's role and responsibilities as well as the consequences for the student's failure to participate in the plan.

(i)(1) Each school shall develop one (1) comprehensive, long-range school improvement plan focused on student achievement which shall be reported to the public.

(2)(A)(i) Any school that fails to achieve expected levels of student performance on the Arkansas Comprehensive Assessment Program examinations and related indicators, as defined in this subchapter, shall participate in a school improvement plan accepted by the department.

(ii) This improvement plan shall assist those students performing below grade level in achieving the expected standard.

(B) Progress on improved achievement shall be included as part of the school's annual report and the school district's annual report to the public.

(j)(1) The department and the local school districts shall annually compile and disseminate to the public results of all required examinations.

(2) The results of end-of-course testing shall become a part of each student's transcript or permanent record and shall be recorded on these documents in a manner prescribed by the state board.

(k)(1) Parents, students, families, educational institutions, and communities are collaborative partners in education, and each plays an important role in the success of individual students. Therefore, the State of Arkansas cannot be the guarantor of each individual student's success.

(2) The goals of Arkansas's grades kindergarten through twelve (K-12) educational system are not guarantees that each individual student will succeed or that each individual school will perform at the level indicated in the goals.

History. Acts 1983 (Ex. Sess.), No. 54, § 13; 1983 (Ex. Sess.), No. 89, § 13; A.S.A. 1947, § 80-5813; Acts 1993, No. 846, § 4; 1997, No. 1172, § 4; 1999, No. 999, § 5; 2003, No. 1467, § 10; 2003 (2nd Ex. Sess.), No. 35, § 1; 2007, No. 1573, § 3; 2011, No. 989, § 15; 2013, No. 1081, § 2.

Amendments. The 2011 amendment substituted “general and high-stakes” for “the” in (j)(2).

The 2013 amendment deleted “general and high-stakes” preceding “end-of-course testing” in (j)(2).

6-15-419. Definitions.

The following definitions shall apply in this subchapter and in § 6-15-2001 et seq., § 6-15-2101 et seq., §§ 6-15-2301, 6-15-2401, and 6-18-227:

(1) “ACT” means the ACT assessment for college placement administered by ACT, Inc.;

(2) “Academic content standards” means standards that are approved by the State Board of Education and that set the skills to be taught and mastery level for each grade and content area;

(3)(A) “Academic improvement plan” means a plan detailing supplemental or intervention and remedial instruction, or both, in deficient academic areas for any student who is not proficient on a portion or portions of the state-mandated Arkansas Comprehensive Assessment Program.

(B)(i) Such a plan shall be created and implemented by appropriate teachers, counselors, and any other pertinent school personnel.

(ii) All academic improvement plans shall be reviewed annually and revised to ensure an opportunity for student demonstration of proficiency in the targeted academic areas on the next state-mandated Arkansas Comprehensive Assessment Program.

(iii) A cumulative review of all academic improvement plans shall be part of the data used by the school in creating and revising its comprehensive school improvement plan.

(iv) All academic improvement plans shall be subject to review by the Department of Education.

(C) In any instance in which a student with disabilities identified under the Individuals with Disabilities Education Act has an individualized education program that already addresses any academic area or areas in which the student is not proficient on state-mandated augmented, criterion-referenced, or norm-referenced assessments, the individualized education program shall serve to meet the requirement of an academic improvement plan;

(4) “Adequate yearly progress” means the level of academic improvement required of public schools or school districts on the state-mandated augmented, criterion-referenced, or norm-referenced assessments and other indicators as required in the Arkansas Comprehensive Testing, Assessment, and Accountability Program, which shall comply with the Elementary and Secondary Education Act as reauthorized in the No Child Left Behind Act of 2001;

(5) “Advanced placement test” means the test administered by the College Board for a high-school-level preparatory course that incorpo-

rates the topics specified by the College Board on its standard syllabus for a given subject area and is approved by the College Board;

(6) "Annexation" means the joining of an affected school district or part of the school district with a receiving district under § 6-13-1401 et seq. or § 6-13-1601 et seq.;

(7) "Annual performance" means the level of academic achievement required of public schools or school districts as measured by assessments and other criteria required under the rules of the State Board of Education;

(8) "Arkansas Comprehensive Assessment Program" means the testing component of the Arkansas Comprehensive Testing, Assessment, and Accountability Program, which shall consist of:

(A) Developmentally appropriate augmented, criterion-referenced, or norm-referenced assessments in kindergarten through grade twelve (K-12), as determined by the state board;

(B) Any other assessments as required by the state board;

(C) Other assessments that are based on researched best practices as determined by qualified experts that would be in compliance with federal and state law; and

(D) End-of-course examinations for designated grades and content areas;

(9) "Arkansas Comprehensive Testing, Assessment, and Accountability Program" means a system of measurement and reporting designed to ensure that all students in the public schools of this state demonstrate academic achievement through the application of knowledge and skills in core academic subjects consistent with state curriculum frameworks and performance standards;

(10) "College and career readiness measurement" means a set of criterion-referenced measurements of a student's acquisition of the knowledge and skills the student needs to be successful in future endeavors, including credit-bearing, first-year courses at a postsecondary institution, such as a two-year or four-year college, trade school, or technical school, or to embark on a career.

(11) "Comprehensive school improvement plan" means the individual school's comprehensive plan based on priorities indicated by assessment and other pertinent data and designed to provide an opportunity for all students to demonstrate proficiency on all portions of the state-mandated Arkansas Comprehensive Assessment Program;

(12) "Consolidation" means the joining of two (2) or more school districts or parts of the school districts to create a new single school district under § 6-13-1401 et seq. or § 6-13-1601 et seq.;

(13)(A) "District improvement plan" means a districtwide plan coordinating the actions of the various comprehensive school improvement plans within a school district.

(B) The main focus of the district improvement plan shall be to ensure that all students demonstrate proficiency on all portions of the state-mandated Arkansas Comprehensive Assessment Program;

(14)(A) "Early intervention" means short-term, intensive, focused, individualized instruction developed from ongoing, daily, systematic

diagnosis that occurs while a child is in the initial, kindergarten through grade one (K-1), stages of learning early reading, writing, and mathematical strategies to ensure acquisition of the basic skills and to prevent the child from developing poor problem-solving habits that become difficult to change.

(B) The goal is to maintain a student's ability to function proficiently at grade level;

(15) "End-of-course assessment" means a criterion-referenced assessment taken during a course of study set by the State Board of Education:

(A) To determine whether a student demonstrates, according to a requisite scale score established by rule of the state board, attainment of sufficient knowledge and skills to indicate a necessary and satisfactory mastery of the subject level content in that end-of-course assessment; and

(B) For which failure to meet that requisite scale score requires sufficient remediation before a student is entitled to receive full academic credit for the course;

(16) "Grade inflation rate" means the statistical gap between actual grades assigned for core classes at the secondary level and student performance on corresponding subjects on nationally normed college entrance exams such as the ACT;

(17) "Grade level" means performing at the proficient or advanced level on state-mandated Arkansas Comprehensive Assessment Program tests;

(18) "High school" means grades nine through twelve (9-12);

(19) "International Baccalaureate assessment" means an assessment administered by the International Baccalaureate Organization for a course offered under the International Baccalaureate Diploma Program;

(20) "Longitudinal tracking" means tracking individual student yearly academic achievement gains based on scheduled and annual assessments;

(21) "Middle level" means grades five through eight (5-8);

(22) "No Child Left Behind Act" means the No Child Left Behind Act of 2001 signed into federal law on January 8, 2002;

(23) "Parent" means:

(A) A parent, parents, legal guardian, a person standing in loco parentis, or legal representative, as appropriate, of a student; or

(B) The student if the student is eighteen (18) years of age or older;

(24) "Point-in-time intervention and remediation" means intervention and remediation applied during the academic year upon the discovery that a student is not performing at grade level;

(25) "Primary" means kindergarten through grade four (K-4);

(26) "Public school" means those schools or school districts created pursuant to Title 6 of the Arkansas Code and subject to the Arkansas Comprehensive Testing, Assessment, and Accountability Program except specifically excluding those schools or educational programs cre-

ated by or receiving authority to exist under § 6-15-501, § 9-28-205, § 12-29-301 et seq., or other provisions of Arkansas law;

(27) "Public school in school improvement" or "school in need of immediate improvement" means any public school or public school district identified as failing to meet certain established levels of academic achievement on the state-mandated augmented, criterion-referenced, or norm-referenced assessments as required by the state board in the program;

(28) "Reconstitution" means a reorganization intervention in the administrative unit or governing body of a public school district, including without limitation the suspension, reassignment, replacement, or removal of a current superintendent or the suspension, removal, or replacement of some or all of the current school board members, or both;

(29)(A)(i) "Remediation" means a process of using diagnostic instruments to provide corrective, specialized, supplemental instruction to help a student in grades two through four (2-4) overcome academic deficiencies.

(ii) For students in grades five through twelve (5-12), remediation shall be a detailed, sequential set of instructional strategies implemented to remedy any academic deficiencies indicated by below-basic or basic performance on the state-mandated augmented, criterion-referenced, or norm-referenced assessments.

(B) Remediation shall not interfere with or inhibit student mastery of current grade level academic learning expectations;

(30) "SAT" means the college entrance examination known as the "Scholastic Assessment Test" administered by the College Board;

(31) "School or school district in academic distress" means any public school or school district failing to meet the minimum level of academic achievement on the state-mandated augmented, criterion-referenced, or norm-referenced assessments as required by the state board in the program;

(32) "School improvement plan" means the individual school's comprehensive plan based on priorities indicated by assessment and other pertinent data and designed to ensure that all students demonstrate proficiency on all portions of the state-mandated Arkansas Comprehensive Assessment Program examinations;

(33) "Social promotion" means the passage or promotion from one (1) grade to the next of a student who has not demonstrated knowledge or skills required for grade-level academic proficiency;

(34) "Uniform school readiness screening" means uniform, objective evaluation procedures that are geared to either kindergarten or first grade, as appropriate, and developed by the state board and specifically formulated for children entering public school for the first time; and

(35) "Value-added computations of student gains" means the statistical analyses of the educational impact of the school's instructional delivery system on individual student learning, using a comparison of previous and posttest student achievement gains against a national cohort.

History. Acts 1999, No. 999, § 3; 2003, No. 1467, § 12; 2003 (2nd Ex. Sess.), No. 35, § 11; 2007, No. 1573, § 4; 2009, No. 1307, § 1; 2011, No. 989, § 16; 2013, No. 600, § 1; 2013, No. 1081, §§ 3–5; 2013, No. 1429, §§ 2, 3.

Amendments. The 2009 amendment rewrote the section.

The 2011 amendment rewrote (10).

The 2013 amendment by No. 600 inserted “or school” twice in (32) [now (31)].

The 2013 amendment by No. 1081, in (15), deleted “General” from the beginning

and substituted “during” for “upon successful completion of”; repealed former (19) and added (37) [now (10)].

The 2013 amendment by No. 1429 repealed former (7); and substituted “as measured by assessments and other criteria required under the rules of the State Board of Education” for “on the state-mandated augmented, criterion-referenced, or norm-referenced assessments” in (8) [now (7)].

6-15-420. Remediation and intervention.

(a) In order for students to be academically prepared to achieve proficiency in English language arts and mathematics, the Department of Education shall require each public school serving students in kindergarten through grade four (K-4) to develop, select, and implement ongoing, informal assessments corresponding to the Common Core State Standards.

(b)(1) Any student in kindergarten through grade one (K-1) failing to perform at the proficient level in reading and writing literacy or mathematics shall be evaluated as early as possible within each of the kindergarten through grade one (K-1) academic years. Those students shall be evaluated by personnel with expertise in reading and writing literacy or mathematics who shall develop and implement an academic improvement plan, using early intervention strategies sanctioned by the department, to assist the student in achieving the expected standard.

(2) Any student in grades two through four (2-4) failing to perform at the proficient level in reading and writing literacy or mathematics shall be evaluated by personnel with expertise in reading and writing literacy or mathematics who shall develop and implement an academic improvement plan, using remediation strategies sanctioned by the department, to assist the student in achieving the expected standard.

(c)(1) Upon completion of the intervention and remediation plans in subdivisions (b)(1) and (2) of this section, those schools that fail to achieve expected levels of student performance at the primary level on augmented, criterion-referenced, or norm-referenced assessments, as defined in this subchapter, shall participate in a comprehensive school improvement plan accepted by the department.

(2)(A) This plan shall be part of each school’s long-range comprehensive school improvement plan and shall be reported to the public.

(B) Progress on improved achievement shall be included as part of the school and school district’s annual report to the public.

(d)(1) As part of the comprehensive testing, assessment, and accountability program, the department shall ensure that each school and school district establishes a plan to assess whether children in the middle-level and high school grades are performing at proficient levels

in reading and writing literacy, mathematics, and, as funds are available, other core academic subjects.

(2) Each school and school district shall use multiple assessment measures, which shall include, but not be limited to, state-mandated augmented, criterion-referenced, or norm-referenced assessments.

(e) Any student failing to demonstrate a proficient level of achievement in reading and writing literacy, mathematics, or, as funds are available, other core academic subjects shall participate in an individual academic improvement plan specifically designed to achieve proficient-level performance standards in these areas.

History. Acts 1999, No. 999, § 7; 2003, No. 1467, § 13; 2007, No. 1573, § 5; 2013, No. 1081, § 6.

A.C.R.C. Notes. Acts 2013, No. 1081, § 22, provided: "Any new assessment required by this act to be implemented by the State Board of Education shall be implemented no later than the 2014-2015 school year or, if the state board determines delay is necessary to ensure proper

alignment with curriculum and other assessments, no later than the 2015-2016 school year."

Amendments. The 2013 amendment, in (a), deleted the (1) designation and (a)(2), and substituted "English language arts" for "reading and writing literacy" and "corresponding to the Common Core State Standards" for "linked to the Arkansas frameworks."

6-15-425. School improvement or academic distress.

A public school or school district identified by the Department of Education as failing to meet established levels of academic achievement shall be classified as being in:

(1) School improvement as required by the Arkansas Comprehensive Testing, Assessment, and Accountability Program, § 6-15-401 et seq., rules and regulations;

(2) Academic distress as required under §§ 6-15-428 — 6-15-431; or

(3) Both, as required by the applicable program rules and regulations.

History. Acts 2003, No. 1467, § 16; 2013, No. 600, § 2.

Amendments. The 2013 amendment made stylistic changes and added (2).

6-15-426. School improvement.

(a) The State Board of Education shall develop a single comprehensive testing, assessment, and accountability program which shall identify and address all public schools or public school districts in school improvement or academic distress and shall be incorporated into the Arkansas Comprehensive Testing, Assessment, and Accountability Program rules and regulations which shall comply with the Elementary and Secondary Education Act as reauthorized by the No Child Left Behind Act of 2001.

(b) The school board president and the superintendent of a public school or school district identified by the Department of Education as being classified as in school improvement shall be notified of the classification in writing by the department via certified mail, return

receipt requested, and the school district shall have a right of appeal pursuant to the program rules and regulations which shall comply with the No Child Left Behind Act of 2001.

(c) The program shall require that any public school or school district in school improvement that fails to make adequate yearly progress as required in the program may, after being afforded all due process rights and in a timely manner required under the No Child Left Behind Act of 2001 be advanced by the state board to the corrective action or restructuring phase of the program adopted in the program rules and regulations.

(d) Any public school or school district classified in school improvement shall comply with all requirements placed on a public school or school district under the program rules and regulations as required by the No Child Left Behind Act of 2001.

(e) Each public school or school district shall develop and file with the department a comprehensive school improvement plan which shall be reviewed by the department and shall be designed to ensure that all students have an opportunity to obtain an adequate education and demonstrate proficiency on all portions of the state-mandated augmented, criterion-referenced, or norm-referenced assessments.

(f) The comprehensive school improvement plan shall:

(1) Be based on an analysis of student performance data and other relevant data that provide a plan of action to address deficiencies in student performance and any academic achievement gap evidenced in the Arkansas Comprehensive Testing, Assessment, and Accountability Program; and

(2) Include the public school or school district's use of categorical funding for:

(A) Alternative learning environments;

(B) Professional development;

(C) English-language learners; and

(D) National school lunch students, as defined by § 6-20-2303(12)(A).

(g) Any public school or school district classified as in school improvement under § 6-15-425 shall develop and file with the department a revised comprehensive school improvement plan meeting the requirements of this section and containing any additional requirements determined necessary by the department to ensure that all students in the public school or school district have an opportunity to demonstrate proficiency on all portions of the state-mandated assessments.

(h) At the end of each school year, the school district shall assess the effectiveness of an intervention or other action included in the comprehensive school improvement plan in improving student performance and include the assessment in the comprehensive school improvement plan for the following school year.

(i)(1) The department shall monitor each public school's and school district's compliance regarding its comprehensive school improvement plan, including without limitation:

(A) The use of public school funding under the Public School Funding Act of 2003, § 6-20-2301 et seq., for the following:

(i) Instructional facilitators as that term is defined by the state board;

(ii) Alternative learning environments, professional development, English-language learners, and national school lunch students identifying specific:

(a) Educational strategies;

(b) Resources used, including tutors, teachers' aides, counselors, social workers, and nurses; and

(c) Expenditures made from categorical funds provided under § 6-20-2305(b); and

(B) The implementation of programs for students whose academic achievement is below proficient.

(2) As part of the monitoring process under this subsection (i), the department shall evaluate the research cited by the public school or school district in its comprehensive school improvement plan in support of the proposed interventions and actions to assess its independence and empirical support for the effectiveness of the program.

(3) The department shall use the information obtained through monitoring comprehensive school improvement plans under this section to:

(A) Determine the compliance of the public school or school district with this subchapter;

(B) Evaluate whether the assessment conducted by the public school or school district under subsection (h) of this section was conducted properly; and

(C) Assess the areas in which the public school or school district needs to revise its plan.

(j) The state board shall incorporate the provisions of subsections (f) through (i) of this section into its rules for comprehensive school improvement plans and may amend those rules in the same manner as provided by law for other rules established by the state board.

History. Acts 2003, No. 1467, § 16; 2007, No. 807, §§ 1, 2; 2007, No. 1573, § 8; 2009, No. 376, § 16.

Amendments. The 2009 amendment subdivided (i)(3)(B) into (i)(3)(B) and (C), and made minor stylistic changes.

6-15-428. Academic distress identification, notification, classification, and appeal.

(a) The school board president and superintendent of a school district in which the school district or a public school is identified by the Department of Education as being in academic distress shall be notified in writing by the department via certified mail, return receipt requested, and shall have a right of appeal to the State Board of Education.

(b) Any school district identified or in which a public school is identified in academic distress may appeal to the state board by filing a

written appeal with the Commissioner of Education via certified mail, return receipt requested, within thirty (30) calendar days of receipt of the written notice of academic distress status from the department.

(c)(1) The state board shall hear the appeal of the school district within sixty (60) days of receipt of the written appeal in the commissioner's office.

(2) The state board's determination shall be final except that a school district may appeal to Pulaski County Circuit Court under the Arkansas Administrative Procedure Act, § 25-15-201 et seq.

(d) A school district or public school identified by the department as being in academic distress shall be classified as a school district or public school in academic distress upon final determination by the state board.

History. Acts 2003, No. 1467, § 16; public school is" in (a); inserted "or in 2013, No. 600, § 3. which a public school is identified" in (b);

Amendments. The 2013 amendment and rewrote (d). inserted "in which the school district or a

6-15-429. Academic distress — Required action.

(a) Except as provided under subdivision (b)(3)(B) of this section and § 6-15-430(d), a public school or school district identified as in "academic distress" shall have no more than five (5) consecutive school years from the date of classification of academic distress status to be removed from academic distress status.

(b)(1) The State Board of Education may at any time take enforcement action on any school district in academic distress status, including without limitation annexation, consolidation, or reconstitution of a school district pursuant to § 6-13-1401 et seq. and the authority of this subchapter.

(2) The state board may take enforcement action at any time on a public school in academic distress under this subchapter.

(3)(A) Except as provided under subdivision (b)(3)(B) of this section and § 6-15-430(d), a public school or school district shall not be allowed to remain in academic distress status for a time period greater than five (5) consecutive school years from the date of classification of academic distress status.

(B) The state board may grant additional time for a public school or school district to remove itself from academic distress by issuing a written finding supported by a majority of the state board explaining in detail that the public school or school district could not remove itself from academic distress during the relevant time period due to impossibility caused by external forces beyond the control of the public school or school district.

(c) If a public school or school district classified as being in academic distress fails to be removed from academic distress status within the allowed five-year time period and has not been granted additional time under subdivision (b)(3)(B) of this section, the state board shall annex,

consolidate, or reconstitute the public school or school district before July 1 of the next school year.

History. Acts 2003, No. 1467, § 16; **Amendments.** The 2013 amendment 2013, No. 600, § 4. rewrote the section.

6-15-430. State Board of Education authority over a public school or school district in academic distress.

(a) If a school district is classified as being in academic distress, the State Board of Education may:

(1) Remove permanently, reassign, or suspend on a temporary basis the superintendent of the school district and:

(A) Appoint an individual in place of the superintendent to administratively operate the school district under the supervision and approval of the Commissioner of Education; and

(B) Compensate from school district funds the individual appointed to operate the school district;

(2) Suspend or remove some or all of the current board of directors and call for the election of a new school board of directors for the school district, in which case the school district shall reimburse the county board of election commissioners for election costs as otherwise required by law;

(3) Require the school district to operate without a board of directors under the supervision of the superintendent or an individual or panel appointed by the Commissioner of Education;

(4) Waive the application of Arkansas law, with the exception of The Teacher Fair Dismissal Act of 1983, § 6-17-1501 et seq., and the Public School Employee Fair Hearing Act, § 6-17-1701 et seq., or the corresponding state board rules and regulations;

(5) Require the annexation, consolidation, or reconstitution of the school district;

(6) In the absence of a board of directors, direct the commissioner to assume all authority of the board of directors as may be necessary for the day-to-day governance of the school district;

(7) Return the administration of the school district to the former board of directors or to a newly elected board of directors if:

(A) The Department of Education certifies in writing to the state board and to the school district that the school district has corrected all issues that caused the classification of academic distress; and

(B) The state board determines that the school district has corrected all issues that caused the classification of academic distress; and

(8) Take any other necessary and proper action, as determined by the state board, that is allowed by law.

(b) If a public school is classified as being in academic distress, the state board may:

(1) Require the reorganization of the public school or reassignment of the administrative, instructional, or support staff of the public school;

(2) Require the public school to institute and fully implement a student curriculum and professional development for teachers and administrators that are based on state academic content and achievement standards, with the cost to be paid by the school district in which the public school is located;

(3) Require the principal of the public school to relinquish all authority with respect to the public school;

(4) Waive the application of Arkansas law or the corresponding state board rules, with the exception of:

(A) The Teacher Fair Dismissal Act of 1983, § 6-17-1501 et seq.; and

(B) The Public School Employee Fair Hearing Act, § 6-17-1701 et seq.;

(5) Under The Teacher Fair Dismissal Act of 1983, § 6-17-1501 et seq., reassign or remove some or all of the licensed personnel of the public school and replace them with licensed personnel assigned or hired under the supervision of the commissioner;

(6) Remove the public school from the jurisdiction of the school district in which the public school is located and establish alternative public governance and supervision of the public school;

(7) Require closure or dissolution of the public school;

(8)(A) Remove permanently, reassign, or suspend on a temporary basis the superintendent of the school district in which the public school is located.

(B) If the state board takes an action under subdivision (b)(8)(A) of this section, it may appoint an individual in place of the superintendent to administratively operate the school district under the supervision and approval of the commissioner and compensate the appointed individual;

(9) Take one (1) or more of the actions under subsection (a) of this section concerning the public school district where the school is located;

(10) Return the administration of the school district to the former board of directors or to a newly elected board of directors if:

(A) The department certifies in writing to the state board and to the school district that the public school has corrected all issues that caused the classification of academic distress and that no public school within the school district is classified as being in academic distress; and

(B) The state board determines the public school has corrected all issues that caused the classification of academic distress and that no public school within the school district is classified as being in academic distress; and

(11) Take any other appropriate action allowed by law that the state board determines is needed to assist and address a public school classified as being in academic distress.

(c)(1) A student attending a public school or school district classified as being in academic distress is automatically eligible and entitled pursuant to the Public School Choice Act of 2013, § 6-18-1901 et seq., or

the Arkansas Opportunity Public School Choice Act of 2004, § 6-18-227, to transfer to another public school or public school district not in academic distress during the time period that the resident public school or public school district is classified as being in academic distress.

(2) The cost of transporting the student from the resident district to the nonresident district shall be the cost of the resident district under the Arkansas Opportunity Public School Choice Act of 2004, § 6-18-227.

(d) If the state board or the commissioner assumes authority over a public school district in academic distress under subsection (a) or subsection (b) of this section, the state board may pursue the following process for returning a public school district to the local control of its residents:

(1) During the second school year following a public school's or school district's classification of academic distress status, the state board shall determine the extent of the public school's or school district's progress toward correcting all criteria for being classified as in academic distress;

(2)(A) If the state board determines that sufficient progress has been made by a public school or school district in academic distress toward correcting all issues that caused the classification of academic distress, but the public school or school district has not yet resolved all issues that caused the classification of academic distress, the commissioner, with the approval of the state board, may appoint a community advisory board of either five (5) or seven (7) members to serve under the supervision and direction of the commissioner.

(B) The members of the community advisory board shall be residents of the school district and shall serve on a voluntary basis without compensation.

(C) The department shall cause to be provided to the community advisory board technical assistance and training in, at a minimum, the areas required in § 6-13-629.

(D) The duties of a community advisory board include without limitation:

(i) Meeting monthly during a regularly scheduled public meeting with the state-appointed administrator regarding the progress of the public school or school district toward correcting all issues that caused the classification of academic distress;

(ii) Seeking community input from the residents of the school district regarding the progress of the public school or school district toward correcting all issues that caused the classification of academic distress;

(iii) Conducting hearings and making recommendations to the commissioner regarding personnel and student discipline matters under the appropriate district policies;

(iv) Working to build community capacity for the continued support of the school district; and

(v) Submitting quarterly reports to the commissioner and the state board regarding the progress of the public school or school district

toward correcting all issues that caused the classification of academic distress.

(E) The members of the community advisory board shall serve at the pleasure of the commissioner until:

(i) The school district is returned to local control and a permanent board of directors is elected and qualified; or

(ii) The state board annexes, consolidates, or reconstitutes the school district under this section or under another provision of law;

(3)(A) By April 1 of each year following the appointment of a community advisory board under subdivision (d)(2) of this section, the state board shall determine the extent of the public school's or school district's progress toward correcting all issues that caused the classification of academic distress and shall:

(i) Allow the community advisory board to remain in place for one (1) additional year;

(ii) Return the school district to local control by calling for the election of a newly elected board of directors if:

(a) The department certifies in writing to the state board and to the school district that the public school or school district has corrected all issues that caused the classification of academic distress and that no public school within the school district is classified as being in academic distress; and

(b) The state board determines the public school or school district has corrected all issues that caused the classification of academic distress and that no public school within the school district is classified as being in academic distress; or

(iii) Annex, consolidate, or reconstitute the school district pursuant to this title.

(B) If the state board calls for an election of a new school district board of directors, the school district shall reimburse the county board of election commissioners for election costs as otherwise required by law.

(4)(A) If the state board calls for an election of a new school district board of directors pursuant to subdivision (d)(3)(A)(ii) of this section, the commissioner, with the approval of the state board, may appoint an interim board of directors to govern the school district until a permanent school district board of directors is elected and qualified.

(B) The interim board of directors shall consist of either five (5) or seven (7) members.

(C) The members of the interim board of directors shall be residents of the school district and otherwise eligible to serve as school board members under applicable law.

(D) The members of the interim board of directors shall serve on a voluntary basis without compensation.

(e)(1) If, by the end of the fifth school year following the public school's or school district's classification of academic distress status, the public school or school district in academic distress has not corrected all issues that caused the classification of academic distress, the state

board, after a public hearing, shall consolidate, annex, or reconstitute the school district under this section.

(2) The state board may grant additional time for a public school or school district to remove itself from academic distress by issuing a written finding supported by a majority of the state board explaining in detail that the public school or school district could not remove itself from academic distress during the relevant time period due to impossibility caused by external forces beyond the control of the public school or school district.

(f) Nothing in this section shall be construed to prevent the department or the state board from taking any of the actions listed in this section at any time to address public schools and school districts in academic distress.

History. Acts 2003, No. 1467, § 16; 2013, No. 600, § 5; 2013, No. 1073, § 13; 2013, No. 1227, § 2; 2013, No. 1429, § 4.

Amendments. The 2013 amendment by No. 600 rewrote the section catchline and the section.

The 2013 amendment by No. 1073 added “under § 6-18-227” in (b)(2) (now (c)(2)).

The 2013 amendment by No. 1227 rewrote (b)(1) (now (c)(1)).

The 2013 amendment by No. 1429 rewrote (b) (now (c)).

6-15-431. Academic distress rules and regulations.

(a) The State Board of Education shall promulgate rules and regulations as necessary to identify, evaluate, assist, and address public schools and school districts determined to be in academic distress.

(b) The academic distress rules and regulations shall be incorporated as part of the Arkansas Comprehensive Testing, Assessment, and Accountability Program rules and regulations.

History. Acts 2003, No. 1467, § 16; 2013, No. 600, § 6.

Amendments. The 2013 amendment inserted “schools and” in (a).

6-15-433. Statewide assessment program.

(a) Upon approval by the State Board of Education or as required by law, the Department of Education shall implement a statewide program of educational assessment that provides information for the improvement of the operation and management of the public schools and tests the requisite knowledge and skills of students.

(b) Pursuant to the statewide assessment program, the department shall:

(1) Determine and designate the appropriate offices within the department which shall report to the state board and shall be responsible for determining each school’s improvement and performance levels;

(2) Develop and implement a uniform system of indicators to describe the performance of public school students and the characteristics of the public school districts and the public schools; and

(3)(A) Implement student achievement assessment as part of the statewide assessment program, to be administered annually to measure English language arts and mathematics, and includes:

(i) Developmentally appropriate measurements or assessments for grades kindergarten through two (K-2);

(ii) Either:

(a) Developmentally appropriate augmented, criterion-referenced, or norm-referenced assessments in kindergarten through grade twelve (K-12), as determined by the state board and as required by law; or

(b) Other assessments that are based on researched best practices as determined by qualified experts that would be in compliance with federal and state law;

(iii) College and career readiness measurements in English language arts and mathematics as determined by state board rules;

(iv) End-of-course assessments administered for other content course subject areas as determined by state board rule; and

(v) Any other assessments required by the state board.

(B) Science, civics, and government shall be measured on a schedule as determined by the state board.

(c) The testing program shall be designed so that:

(1)(A)(i) The tests measure student skills and competencies adopted by the state board as specified in § 6-15-404(a).

(ii) The tests shall measure and report student achievement levels in reading, writing, and mathematics, including longitudinal tracking of the same students, as well as an analysis of value-added computations of student achievement gains against a national cohort.

(B) The department shall provide for the tests to be obtained or developed, as appropriate, through contracts and project agreements;

(2)(A) The testing program, as determined by the state board, shall consist of augmented, criterion-referenced, or norm-referenced assessments or other assessments as defined in subdivision

(b)(3)(A)(ii)(b) of this section.

(B) Questions shall require the student to produce information and perform tasks in such a way that the skills and competencies he or she uses can be measured in a statistically reliable and valid manner;

(3)(A)(i) Each testing program, whether at the elementary beginning at grade three (3), middle school, or high school level, shall include to the fullest extent possible a test of writing in which students are required to produce writings that are then scored by appropriate analytic methods that ensure overall test validity and reliability, including inter-rater reliability.

(ii) Writing test results shall be scored and returned for school district and school use no later than July 1 of each year beginning in 2005-2006 and each year thereafter.

(B) For end-of-course exams, the department may extend the July 1 deadline under subdivision (c)(3)(A) of this section to August 1 if the department finds, based on the request for proposals, that:

(i) The cost of administration of the end-of-course exam will be substantially more because of the earlier deadline; or

(ii) The validity of the end-of-course exam results will be compromised because of the earlier deadline;

(4) For each subject area tested, a score shall be designated that will be the required level of proficiency below which score a student's performance is deemed inadequate;

(5) Beginning in the 2004-2005 school year, students in grades kindergarten through twelve (K-12) who do not demonstrate proficiency on the Arkansas Comprehensive Assessment Program examinations shall participate in an intense remediation program specific to identified deficiencies;

(6) The state board shall designate, based on valid and reliable statistical models, the proficiency levels for each part of the Arkansas Comprehensive Assessment Program examinations;

(7)(A)(i) Participation in the testing program is mandatory for all students attending public school except as otherwise prescribed by the state board.

(ii) If a student does not participate in the Arkansas Comprehensive Assessment Program examinations, the school district shall notify the student's parent or guardian and provide the parent or guardian with information regarding the reasons for and implications of such nonparticipation.

(B) The state board shall:

(i) Adopt rules in compliance with federal and state law, based upon recommendations of the department, for the provision of test accommodations and modifications of procedures as necessary for students in exceptional education programs and for limited-English proficient students; and

(ii) Not make accommodations that negate the validity of a state-wide assessment or interpretations or implementations which result in less than ninety-five percent (95%) of all students attending public school participating in the testing program;

(8) The department shall implement student testing programs for any grade level and subject area necessary to effectively monitor educational achievement in the state and shall provide data access to any unit within the department or contracted firm or firms for the purpose of analyzing value-added computations and posting school, school district, and state student achievement, provided such disclosures are not in conflict with applicable federal and state law;

(9)(A) Each school district shall ensure that educators in that school district provide instruction to prepare students to demonstrate proficiency in the skills and competencies necessary for successful grade-to-grade progression and high school graduation.

(B) The department shall verify that the required skills and competencies are part of the school district instructional programs;

(10) Conduct ongoing research to develop improved statistically reliable and valid methods of assessing student performance, including, without limitation, the:

(A) Use of technology to administer, score, or report the results of tests; and

(B) Use of electronic transfer of data;

(11) Conduct or contract with a provider to conduct ongoing research and analysis of individual student, classroom, school, school district, and state achievement data, including without limitation monitoring value-added trends in individual student, school, school district, and state achievement, identifying school programs that are successful, and analyzing correlates of school achievement; and

(12) Provide technical assistance to school districts in the implementation of state and school district testing programs and the use of the data produced pursuant to such programs, including longitudinal tracking data.

History. Acts 2003 (2nd Ex. Sess.), No. 35, § 4; 2003 (2nd Ex. Sess.), No. 75, § 1; 2007, No. 1573, §§ 9, 10; 2009, No. 1307, §§ 2, 3; 2013, No. 1081, § 7.

A.C.R.C. Notes. Acts 2013, No. 1081, § 22, provided: "Any new assessment required by this act to be implemented by the State Board of Education shall be implemented no later than the 2014-2015 school year or, if the state board deter-

mines delay is necessary to ensure proper alignment with curriculum and other assessments, no later than the 2015-2016 school year."

Amendments. The 2009 amendment, in (a), inserted "or as required by law" and added "and tests the requisite knowledge and skills of students"; and rewrote (b)(3)(A).

The 2013 amendment rewrote (b)(3)(A).

6-15-437. Rules.

The State Board of Education shall adopt any rules necessary to implement this subchapter under the Arkansas Administrative Procedure Act, § 25-15-201 et seq.

History. Acts 2003 (2nd Ex. Sess.), No. 35, § 4; 2009, No. 376, § 17.

Amendments. The 2009 amendment substituted "this subchapter" for "the Ar-

kansas Comprehensive Testing, Assessment, and Accountability Program, § 6-15-401 et seq." and made a minor stylistic change.

6-15-440. Arkansas Leadership Academy School Support Program.

(a)(1) There is created the Arkansas Leadership Academy School Support Program through which the Arkansas Leadership Academy in collaboration with the Department of Education and other leadership groups shall provide support to schools or school districts designated by the Department of Education as being in school improvement and other school districts who opt to participate.

(2) The program shall be designed, developed, and administered by the academy created under § 6-15-1007.

(b) The program shall:

(1) Build the leadership capacity of the school and school district personnel;

(2) Train a diverse school leadership team, including, but not limited to, superintendents, school principals, and teachers;

(3) Provide a cadre of highly experienced, trained performance coaches to work in the school or school district on a regular basis;

(4) Work with the school and school district staff, school board members, parents, community members, and other stakeholders as necessary to provide a comprehensive support network that can continue the school's progress and improvement after completion of the academy's formal intervention and support;

(5) Ensure access to training programs and leadership skills development;

(6) Develop incentive programs for institutions and program participants;

(7) Assist in the development of partnerships between university leadership programs and school districts; and

(8) Work closely with the School Leadership Coordinating Council, the Department of Education, the Department of Higher Education, and the Department of Career Education to coordinate cohesive leadership goals.

(c)(1) The Department of Education and the academy shall develop criteria for selection of schools or school districts to participate in the program.

(2) Any school district that is in school improvement shall be eligible to participate in the program as provided in the rules of the State Board of Education.

(3) The academy and participating schools shall commit to continue participation in the school support program for no fewer than three (3) consecutive school years.

(d)(1) The number of schools participating in the program shall be determined by the amount of funding available for the program.

(2) The state board or the Department of Education may require a school district to fund a portion of the cost of the school's or school district's participation in the school support program if the Commissioner of Education determines that such participation is in the best interest of the students served by the participating school or school district.

(3) Subject to the approval of the state board, the commissioner shall determine the portion of the school district's financial obligation for participation in the program, if any.

(e) The state board shall promulgate rules as necessary to implement the requirements of this section.

(f)(1) The state board shall have the authority to issue requests for proposals if the state board should determine to change the operator or the location of the academy.

(2) The academy shall maintain one (1) main office and, as needed, satellite offices partnered with institutions of higher education that

have approved leadership programs and are strategically located in areas of the state identified by the Department of Education as having the greatest need for school leadership support.

History. Acts 2005, No. 1229, § 1; 2009, No. 222, § 2.

A.C.R.C. Notes. Acts 2009, No. 222, § 3, provided: "The document attached hereto titled 'Prologue' contains the Leadership Taskforce recommendations as submitted to the Adequacy Study Oversight Subcommittee, the House Interim Committee on Education, and the Senate Interim Committee on Education. The document, 'Prologue', shall be filed in the

journals of the House and Senate."

Amendments. The 2009 amendment, in (a)(1), inserted "and other leadership groups" and "and other school districts who opt to participate"; inserted "superintendents" in (b)(2); inserted (b)(5) through (b)(8); substituted "shall be eligible" for "may be invited, strongly encouraged, or required" in (c)(2); added (f); and made minor stylistic changes.

6-15-441. Arkansas College and Career Readiness Planning Program.

(a) As used in this section:

(1) "College and career readiness" means the acquisition of the knowledge and skills a student needs to be successful in future endeavors, including:

(A) Successfully completing credit-bearing, first-year courses at a postsecondary institution; and

(B) Embarking on a chosen career;

(2) "College and career readiness assessment" means a test that measures student readiness for postsecondary learning and is:

(A) Administered under this section; or

(B) Used by an institution of higher education as part of its admissions, placement, and scholarship processes;

(3) "EXPLORE" means the pre-ACT assessment designed by ACT, Inc. to help students in grade eight (8) explore a broad range of options for their future and focus not only on high school coursework but also on post-high school choices;

(4) "PLAN" means the pre-ACT assessment for students in grade ten (10) used to help a student focus attention on improved academic achievement, career preparation, and planning for post-high school years; and

(5) "PSAT" means the Preliminary SAT/National Merit Scholarship Qualifying Test that provides practice for the SAT Reasoning Test and gives students feedback on individual strengths and weaknesses on college readiness skills.

(b)(1)(A) A public school that serves students in grade eight (8) shall administer EXPLORE to each student enrolled in grade eight (8) at the public school.

(B) A public school that serves students in grade ten (10) shall administer PLAN or the PSAT to each student enrolled in grade ten (10) at the public school.

(2) Funding for the college and career readiness assessments listed in subdivision (b)(1) of this section may be paid by using Department of Education at-risk funding.

(3)(A) The department may designate alternative assessments other than EXPLORE, PLAN, or PSAT to satisfy the purposes of this section.

(B) The alternative assessments may include without limitation next-generation assessments as approved by the State Board of Education.

(c)(1) Each public school administering the college and career readiness assessments under this section shall use the college and career readiness assessments to:

(A) Assist students with college and career readiness skills, course selection in high school, and improved academic achievement; and

(B) Provide the basis for the counseling under § 6-16-603 concerning postsecondary preparatory programs.

(2) Each public school shall fully incorporate the results from college and career readiness assessments listed in subsection (b) of this section into the college and career planning process for each student.

(d) Data collection shall be maintained by the Department of Education for the purpose of:

(1) Increasing college and career readiness skills;

(2) Improving instruction;

(3) Enhancing school improvement plans;

(4) Reducing the college remediation rates of students; and

(5) Developing and implementing postsecondary preparatory programs under § 6-16-601 et seq.

(e)(1) The department shall report to the House Committee on Education and the Senate Committee on Education no later than December 31 of each year on the:

(A) Implementation and effectiveness of the Arkansas College and Career Readiness Planning Program; and

(B) Statistical analysis of postsecondary preparatory programs under § 6-16-601 et seq. for each postsecondary preparatory program.

(2) The report may be posted on the department's website with a notification to the committees.

(f) The State Board of Education may promulgate rules to implement this section and shall monitor the use of college and career readiness assessments administered under this section to ensure public school compliance.

History. Acts 2009, No. 730, § 2; 2011, § 1, provided: "The General Assembly No. 879, § 1; 2013, No. 1073, § 14; 2013, finds that:
No. 1081, § 8. "(1) Many Arkansas students enter college unprepared for the academic rigors of

A.C.R.C. Notes. Acts 2009, No. 730, § 1, provided: "The General Assembly No. 879, § 1; 2013, No. 1073, § 14; 2013, finds that:
No. 1081, § 8. "(1) Many Arkansas students enter college unprepared for the academic rigors of

college and require noncredit remedial courses to attain skills and knowledge needed for regular credit coursework;

“(2) There is a direct and significant link between students being academically prepared for college and success in post-secondary endeavors;

“(3) Remediation lengthens the time required to obtain a degree, imposes additional costs on students and colleges, and uses student financial aid for courses that will not count toward a degree;

“(4) A precollege readiness assessment program in public high schools using pre-ACT or pre-SAT assessments will provide early benchmarks for student performance on college readiness exams and inform high school guidance counselors and teachers who assist students with academic achievement, course selection, and college readiness skills;

“(5) A precollege readiness assessment program will provide reportable statewide data, enabling policy and program development that will benefit schools, parents, and students; and

“(6) Consistent use of precollege assessments will increase the number of successful student transitions into postsecondary education.”

Acts 2013, No. 1081, § 22, provided: “Any new assessment required by this act

to be implemented by the State Board of Education shall be implemented no later than the 2014-2015 school year or, if the state board determines delay is necessary to ensure proper alignment with curriculum and other assessments, no later than the 2015-2016 school year.”

Amendments. The 2011 amendment inserted (c)(1)(B); deleted “By the 2011-2012 school year” at the beginning of (c)(2); inserted (d)(5); substituted “December 31 of each year” for “September 31, 2010, and each year thereafter” in the introductory language of present (e)(1); and added (e)(1)(B) and (e)(2).

The 2013 amendment by No. 1073 rewrote (a)(2).

The 2013 amendment by No. 1081 rewrote (a)(1) and (2); inserted “by ACT, Inc.” in (a)(3); substituted “A” for “Beginning with the 2010-2011 school year, each” in (b)(1)(A) and (B); inserted “and career” preceding “readiness” in (b)(2); added (b)(3); inserted “and career” following “college” in two places in (c)(1); substituted “career” for “workforce” in (c)(1)(A); inserted “and career” following “college” in (c)(2); and, in (f), substituted “State Board of Education may” for “department shall” and inserted “and career” following “college.”

SUBCHAPTER 5 — HOME SCHOOLS

SECTION.

6-15-509. Participation of home-schooled

students in interscholastic activities.

6-15-509. Participation of home-schooled students in interscholastic activities.

(a) The General Assembly recognizes that all students should have equal access to interscholastic activities as a complement to the academic curriculum.

(b) As used in this section:

(1) “Athletic activity” means a varsity sport or another competitive sports-related contest, game, event, or exhibition that involves an individual student or teams of students either among schools within the resident school district or between schools outside of the resident school district;

(2) “Home-schooled student” means a student legally enrolled in an Arkansas home school;

(3) “Interscholastic activity” means an activity between schools subject to regulations of the Arkansas Activities Association that is:

(A) Outside the regular curriculum of a school district, including without limitation an athletic activity, a fine arts program, or a special interest club or group; and

(B) Taught by an individual with a minimum of a high school diploma;

(4) "Parent" is a legal guardian or legal custodian;

(5) "Resident school" is the school to which the student would be assigned by the resident school district; and

(6) "Resident school district" means the school district in which the home-schooled student's parent resides as determined under § 6-18-202.

(c) A home-schooled student shall not participate in interscholastic activities at a public school other than the student's resident school.

(d) A resident school district may permit a home-schooled student to participate in an interscholastic activity if:

(1) For the purpose of subsection (g) of this section, the home-schooled student reports to the resident school district within the first eleven (11) days of the fall or spring semester of the resident school district; and

(2) The home-schooled student or his or her parent advises the principal of the resident school in writing of the student's request to participate in the interscholastic activity before the signup, tryout, or participation deadlines established for students enrolled in the resident school.

(e) The principal of the resident school shall permit a home-schooled student to pursue participation in an interscholastic activity of the resident school if the student or the student's parent:

(1) Before the signup, tryout, or participation deadlines established for students enrolled in the resident school, provides to the principal a notice of the student's desire to pursue participation; and

(2) Informs the principal in the notice that the student has demonstrated academic eligibility by obtaining:

(A) A minimum test score of the thirtieth percentile on the Stanford Achievement Test Series, Tenth Edition, or another nationally recognized norm-referenced test in the previous twelve (12) months; or

(B) A minimum score on a test approved by the State Board of Education.

(f) If a home-schooled student's written request to participate in the interscholastic activity is approved under this section, the student:

(1) Although not guaranteed participation in an interscholastic activity, shall have an equal opportunity to try out and participate in interscholastic activities without discrimination; and

(2) Shall not participate unless he or she meets the criteria for participation in the interscholastic activity that apply to students enrolled in the resident school district, including:

(A) Tryout criteria;

(B) Standards of behavior and codes of conduct;

- (C) The academic criteria under subdivision (e)(2) of this section;
 - (D) Practice times;
 - (E) Required drug testing;
 - (F) Permission slips, waivers, and physical exams; and
 - (G) Participation or activity fees.
- (g) A home-schooled student who participates in an interscholastic activity may be:
- (1) Required to be at school not more than one (1) period per school day; and
 - (2) Transported by the resident school district to and from interscholastic activities as the resident school district transports other students who are enrolled in the resident school.
- (h) A student who withdraws from an Arkansas Activities Association member school to be home-schooled shall not participate in an interscholastic activity in the resident school district for a minimum of three hundred sixty-five (365) days after the student withdraws from the member school.

History. Acts 2013, No. 1469, § 1.

SUBCHAPTER 10 — ARKANSAS PUBLIC EDUCATION ACT

| | |
|---|------------------------|
| SECTION. | SECTION. |
| 6-15-1004. Qualified teachers in every public school classroom. | 6-15-1012. [Repealed.] |

Effective Dates. Acts 2009, No. 1469, § 32: Apr. 10, 2009. Emergency clause provided: “It is found and determined by the General Assembly of the State of Arkansas that it is the state’s constitutional obligation to provide a general, suitable, and efficient free system of public schools in the state; that the public school funding distribution changes in this act are needed to ensure that proper funding is provided to the affected public schools and school districts; and that this act is immediately necessary so that the affected public schools and school districts will receive

the amount of funding for the current school year. Therefore, an emergency is declared to exist and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on: (1) The date of its approval by the Governor; (2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or (3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto.”

6-15-1001. Title.**CASE NOTES****In General.**

Arkansas Legislature did not intend to partially repeal § 21-9-301 when it enacted the Arkansas Public Education Act,

§§ 6-15-1001 to 1007. *Young v. Blytheville Sch. Dist.*, 2013 Ark. App. 50, — S.W.3d — (2013).

6-15-1002. Legislative findings.**CASE NOTES****Private Right of Action.**

Arkansas Public Education Act, §§ 6-15-1001 to 1007, does not expressly provide for a private right of action or for any kind of remedy; therefore, a school district

and a bus driver could not have been sued over a student's rape based on alleged failures under this section or § 6-15-1005. *Young v. Blytheville Sch. Dist.*, 2013 Ark. App. 50, — S.W.3d — (2013).

6-15-1004. Qualified teachers in every public school classroom.

(a) Arkansas teachers will demonstrate competency in subject matter content on identified assessments appropriate to their teaching area in order to be granted an initial license to teach in the state.

(b) In order to obtain a teaching license, Arkansas teachers will demonstrate the ability to increase student academic achievement by demonstrating competency on identified assessments of teaching methods that result in increased student achievement.

(c)(1) To renew a teaching license, a teacher shall participate in continuing education and professional development:

(A) Based on the teacher's evaluation and professional learning plan under the Teacher Excellence and Support System, § 6-17-2801 et seq.;

(B) As required under § 6-17-704 and other law; and

(C) As required by rule of the State Board of Education.

(2)(A) For purposes of the requirement for continuing education and professional development under this section, a three-hour graduate-level college credit course shall be counted as fifteen (15) hours of the professional development hours required for teachers under the Standards for Accreditation of Arkansas Public Schools and School Districts if the college credit is:

(i) Related to and enhances the teacher's knowledge of the subject area in which the teacher is currently teaching;

(ii) Part of the requirements for the teacher to obtain additional licensure in a subject matter that has been designated by the Department of Education as having a critical shortage of teachers; or

(iii) Otherwise approved by the department as a graduate level course eligible for professional development credit.

(B) Any credit for professional development claimed under subdivision (c)(2)(A) of this section shall be approved by the department.

(C) For purposes of the requirement for continuing education and professional development under this section, each hour of training received by licensed personnel related to teaching an advanced placement class for a subject covered by the College Board and Educational Testing Service shall be counted as professional development up to a maximum of thirty (30) hours.

(3) However, nothing in subdivision (c)(2) of this section shall prevent or restrict a school district from requiring additional in-service training.

(d) Effective at the beginning of the 2006-2007 school year, no teacher shall be assigned to teach a grade level or a subject for which he or she is not licensed by the state.

(e)(1) No class of students shall be under the instruction of a substitute teacher or teachers for more than thirty (30) consecutive school days in the same class during a school year unless the substitute teacher or teachers instructing the class have a bachelor's degree awarded by an accredited college or university or have been licensed to teach by the State of Arkansas.

(2) A substitute teacher or teachers possessing a bachelor's degree shall continue to teach the class from at least the thirty-first consecutive day after the regular teacher is absent from the class until the return of the regular teacher to that class.

(f) A person serving as a substitute teacher shall:

- (1) Be a high school graduate; or
- (2) Hold a graduate equivalent degree.

(g) Subsections (e) and (f) of this section shall not apply to substitutes for nondegreed vocational-technical teachers.

(h)(1) If subsections (e) and (f) of this section impose an undue hardship on a school district, the school district may apply to the State Board of Education for a waiver.

(2) The state board shall develop rules and regulations for granting a waiver.

(3) Any school district granted a waiver from this requirement shall be identified in the department's annual school district report card.

History. Acts 1991, No. 236, § 1; 1993, No. 405, § 1; 1997, No. 1108, § 4; 1999, No. 1382, § 1; 2003, No. 1728, § 1; 2005, No. 1183, § 1; 2005, No. 2131, § 28; 2007, No. 46, § 1; 2007, No. 57, § 1; 2011, No. 1209, § 2; 2013, No. 1138, §§ 18, 19.

Amendments. The 2011 amendment rewrote (c)(1).

The 2013 amendment substituted "licensure" for "certification" in (c)(2)(A)(ii); and substituted "licensed" for "certified" in (c)(2)(C).

6-15-1005. Safe, equitable, and accountable public schools.

CASE NOTES

Private Right of Action.

Arkansas Public Education Act, §§ 6-15-1001 to 1007, does not expressly provide for a private right of action or for any

kind of remedy; therefore, a school district and a bus driver could not have been sued over a student's rape based on alleged failures under § 6-15-1002 or this section.

Young v. Blytheville Sch. Dist., 2013 Ark. App. 50, — S.W.3d — (2013).

6-15-1012. [Repealed.]

Publisher's Notes. This section, concerning model learning standards in the basic core of knowledge and skills, was repealed by Acts 2009, No. 1469, § 4. This section was derived from Acts 1999, No. 911, § 1.

SUBCHAPTER 11 — ATTACHING SEALS TO HIGH SCHOOL TRANSCRIPTS AND DIPLOMAS

SECTION.

6-15-1101. Legislative findings.

6-15-1101. Legislative findings.

(a) The General Assembly hereby recognizes and acknowledges that in recent years a high school diploma has lost credibility as a warranty that the recipient has the basic knowledge and skills necessary for either an entry-level job or for postsecondary education. The General Assembly further recognizes that the State Board of Education, the Department of Education, and local school districts have worked diligently to establish and implement a core curriculum in Arkansas secondary schools. Students who complete the core curriculum with a satisfactory grade point average should receive recognition for both perseverance and a job well done. It is the purpose of this legislation to both further that recognition and to increase the confidence of Arkansans in the value of diplomas awarded by the state's public schools.

(b)(1) A school district shall attach a seal, stamp, or other symbol to diplomas awarded to high school students who have completed the core curriculum with a minimum grade point average of 2.75 on a 4.0 scale.

(2) Electronic transcripts shall include a designation for students who have completed the core curriculum with a minimum grade point average of 2.75 on a 4.0 scale.

(c) The state board is authorized to promulgate rules and regulations for the implementation of this section.

History. Acts 1993, No. 688, §§ 1, 2; 1995, No. 1296, § 18; 1997, No. 977, § 1; 2013, No. 330, § 1. in (b)(1), deleted "Beginning with the 1994 — 1995 school year" from the beginning and deleted "transcripts and" preceding

Amendments. The 2013 amendment, "diplomas"; and added (b)(2).

SUBCHAPTER 12 — EDUCATIONAL STANDARDS COMMISSION

SECTION.

6-15-1201. [Repealed.]

6-15-1201. [Repealed.]

Publisher's Notes. This section, concerning the Education Standards Commission, was repealed by Acts 2013, No.

1155, § 13. The section was derived from Acts 1997, No. 1340, §§ 1-4.

SUBCHAPTER 13 — SAFE SCHOOLS COMMITTEE**SECTION.**

6-15-1303. Safe Schools Initiative Act.

6-15-1303. Safe Schools Initiative Act.

(a) A school district shall provide annual training for all of its employees and students, to the extent practicable, in preventing and responding to acts of violence, terrorism, and natural disaster, including without limitation:

(1) Tornado safety drills under § 6-10-121;

(2) Implementation of emergency plans for terrorist attacks under § 6-15-1302; and

(3) Annual active shooter drills and school safety assessments in collaboration with local law enforcement and emergency management personnel for all schools.

(b)(1) Subject to an appropriation and funding for this purpose, the Criminal Justice Institute shall provide the necessary training and education for:

(A) Personnel designated by a school district or an education service cooperative concerning the active shooter drills required under this section through its Safe Schools Initiative; and

(B) Law enforcement officers, emergency management personnel, and other persons who will conduct the school safety assessments and active shooter drills on a school campus under this section.

(2)(A) The Safe Schools Initiative training for school personnel shall be hosted by an education service cooperative of which the school district is a constituent.

(B) The designated personnel who receive the Safe Schools Initiative training shall train other school employees and students.

(C) The Safe Schools Initiative training also may include without limitation the training and education needed to assist a public school in:

(i) Developing prevention strategies and enhancing existing crisis management plans for campus security and safety issues;

(ii) Delivering education to students and faculty on public safety and legal topics such as drugs and alcohol abuse, sexual assault, bullying and cyberbullying, gangs, preventing the possession of weapons by minors, and responding to the threat of weapons at school;

(iii) Preparing school safety assessments; and

(iv) Cooperating effectively with law enforcement officers in the school setting.

(3) The following agencies or persons may conduct a school safety assessment and active shooter drill for a school district after receiving training from the Criminal Justice Institute:

- (A) The Arkansas Law Enforcement Training Academy;
- (B) The Department of Arkansas State Police;
- (C) The Arkansas Department of Emergency Management;
- (D) The Black River Technical College Law Enforcement Training Academy; or

(E) Other persons or entities identified on the Criminal Justice Institute's website as having received the training.

(4) Annual training and active shooter drills may be conducted during the instructional day or during noninstructional time periods as determined by the school district.

(c) Subject to an appropriation and funding for this purpose, each public school, in collaboration with the school district, may install communications equipment that is interoperable with the Arkansas Wireless Information Network system.

History. Acts 2013, No. 484, § 3.

A.C.R.C. Notes. Acts 2013, No. 484, § 1, provided: "The General Assembly finds that:

"(1) Crime and violence remain issues in Arkansas public schools and nationwide;

"(2) The citizens of Arkansas have twice experienced the tragedy of a school shooting;

"(A) In 1997 when two (2) Stamps High School students were shot and wounded by sniper fire from a fellow student; and

"(B) In 1998 when four (4) students and one (1) teacher were killed at Westside Middle School in Jonesboro, and nine (9) more students and one (1) teacher were wounded;

"(3) In 2007, the National Center for Education Statistics reported that an average of nine and one-tenths percent (9.1%) of Arkansas's public high school students had been threatened or injured

with a weapon on school property, compared to the national average of seven and eight-tenths percent (7.8%); and

"(4) With the increasing levels of crime and violence in our schools, school administrators and personnel must be prepared for more than the academic challenges of teaching students. They must also:

"(A) Develop and maintain a strong partnership with law enforcement; and

"(B) Be trained to recognize and assume their roles and responsibilities for preventing and responding to acts of violence, terrorism, natural disaster, and other crimes impacting the school environment."

Acts 2013, No. 484, § 5, provided: "To provide law enforcement officers and school personnel the opportunity to receive the training and education required under this act, school districts shall implement the annual active shooter drills beginning in the 2014-2015 school year."

SUBCHAPTER 14 — SCHOOL PERFORMANCE REPORT ACT

SECTION.

6-15-1402. Purpose — Report — Confidentiality — Rules. [Effective until July 1, 2014.]

SECTION.

6-15-1402. Purpose — Report — Confidentiality — Rules. [Effective July 1, 2014.]

Effective Dates. Acts 2013, No. 1462,
§ 9, provided: "This act is effective on July
1, 2014."

6-15-1402. Purpose — Report — Confidentiality — Rules. [Effective until July 1, 2014.]

(a)(1) In order to generally improve public school accountability, to provide benchmarks for measuring individual school improvement, and to empower parents and guardians of children enrolled in Arkansas public schools by providing them with the information to judge the quality of their schools, the Department of Education shall annually prepare and publish a school performance report for each individual public school in the state, including the Arkansas School for the Deaf, the Arkansas School for the Blind, and the Arkansas School for Mathematics, Sciences, and the Arts, and shall distribute the report to the House Committee on Education and the Senate Committee on Education no later than April 15 each year.

(2) The school performance report for each school shall be made available to every parent or guardian of a child in kindergarten through grade twelve (K-12) in the public schools of Arkansas by posting the school performance report for each school on the website of the department and the website of the school district in which the public schools addressed in the school performance report are located no later than April 15 each year.

(b)(1)(A) The school performance report shall be based on reliable statistical information uniformly required to be collected and submitted by each local school district to the department and shall be published in a format that can be easily understood by parents or guardians who are not professional educators.

(B) The information necessary to produce the school performance report, including the names and addresses of parents and guardians, shall be filed with the department.

(C) The department may contract with individuals or businesses knowledgeable in the areas of graphic and computer design to ensure that the school performance reports required by this subchapter are published in a format that encourages their utilization by the citizens of the state.

(2) The school performance report for elementary schools shall:

(A) Include three-year trend data and allow parents or guardians to compare the school's performance with state and national averages in areas and shall include, but not be limited to, the following measures:

- (i) School safety;
- (ii) Norm-referenced test results;
- (iii) Augmented, criterion-referenced, or norm-referenced assessment results;

- (iv) Licensed staff qualifications;
- (v) Total per-pupil spending;
- (vi) Assessment of the local taxpayer investment in the school district;
- (vii) Percentage of students eligible to receive free or reduced-price meals;
- (viii) Average salary of the staff; and
- (ix) Average attendance rates for students; and
- (B) Indicate separately whether:
 - (i) The school distributed the school's student discipline policy to parents;
 - (ii) The school's teachers, administrators, classified school employees, and volunteers have been provided with appropriate student discipline training; and
 - (iii) The school district has adopted a parental involvement plan in compliance with § 6-15-1702.
- (3) The school performance report for middle schools, junior high schools, and high schools shall:
 - (A) Include three-year trend data and allow parents or guardians to compare the school's performance with state and national averages in areas which shall include, but not be limited to, the following:
 - (i) School safety;
 - (ii) Norm-referenced test results;
 - (iii) Augmented criterion-referenced assessment results;
 - (iv) Licensed staff qualifications;
 - (v) Per-pupil spending;
 - (vi) Assessment of the local taxpayer investment in the school district;
 - (vii) Percentage of students eligible to receive free or reduced-price meals;
 - (viii) Average salary of the staff;
 - (ix) Average attendance rates for students;
 - (x) Drop-out rate;
 - (xi) Graduation or completion rates;
 - (xii) College remediation rate for high schools only;
 - (xiii) Collegiate admission test results, including the total number of students in grades nine through eleven (9-11) who took the ACT or SAT; and
 - (xiv) Student participation in the Arkansas College and Career Readiness Planning Program under § 6-15-441; and
 - (B) Indicate separately whether:
 - (i) The school distributed the school's student discipline policy to parents;
 - (ii) The school's teachers, administrators, classified school employees, and volunteers have been provided with appropriate student discipline training;
 - (iii) The school district has adopted a parental involvement plan in compliance with § 6-15-1702; and

(iv) The school district provides college preparation and remediation for students who have taken the ACT before their senior year of high school under the Voluntary Universal ACT Assessment Program Act, § 6-18-1601 et seq.

(4) Beginning with the 2017-2018 school year, for the school year covered by a school performance report the report shall include:

(A) The total number of teachers who are employed in the public school; and

(B) Of that total, the number who meet each of the following criteria:

(i) Highly qualified teacher;

(ii) Identified as proficient or above under the Teacher Excellence and Support System for the school; and

(iii) Certified by the National Board for Professional Teaching Standards.

(c) School districts may prepare and distribute supplemental materials concerning the information contained in the school performance reports.

(d) The department is encouraged to:

(1) Include explanatory material regarding efforts to improve the state's public schools on the website of the department with school performance reports; and

(2) Explore the feasibility of incorporating the school improvement plans developed by schools and school districts with the school performance reports.

(e) The school performance report shall not include individual student information if the information is reported in a manner that would identify a particular student.

(f)(1) The department shall not disclose parent or guardian names, addresses, or other identifying information under any circumstances.

(2) Any vendor, contractor, or supplier utilized to provide services under this subchapter shall sign a confidentiality agreement prohibiting the disclosure of parent or guardian names, addresses, or other identifying information.

(g) The Arkansas School for the Blind and the Arkansas School for the Deaf shall submit to the department:

(1) The results of the appropriately adopted student achievement tests for the students enrolled at these schools; and

(2) A list of other schools' programs to which these schools can be compared.

(h) The department may promulgate rules necessary to carry out the purposes of this subchapter.

History. Acts 1999, No. 769, § 2; 2001, No. 775, § 8; 2003, No. 603, §§ 3, 4; 2003, No. 1473, § 5; 2007, No. 1573, §§ 12, 13; 2011, No. 988, § 1; 2011, No. 989, § 17; 2011, No. 1000, § 1; 2011, No. 1209, § 3; 2013, No. 1073, §§ 15, 16.

Publisher's Notes. For text of section effective July 1, 2014, see the following version.

Amendments. The 2011 amendment by No. 988 added (b)(3)(B)(iv).

The 2011 amendment by No. 989 sub-

stituted "April 15" for "March 15" in (i).

The 2011 amendment by No. 1000 added (a)(2); substituted "the House Committee on Education and the Senate Committee on Education no later than March 15 each year" for "every parent or guardian of a child in kindergarten through grade twelve (K-12) in the public schools of Arkansas" in (a)(1); redesignated former (b)(1) as (b)(1)(A) through (C); in (b)(1)(A), deleted "annual" preceding "school performance" and "and distributed to the parents or guardians of children enrolled in the public schools via the postal service" following "educators" in the first sentence and deleted the former second sentence; in (b)(1)(C), substituted

"may" for "is strongly encouraged" and deleted the former second sentence; inserted "school performance" in (b)(2) and (b)(3); substituted "licensed" for "certified" in (b)(2)(A)(iv) and (b)(3)(A)(iv); added (b)(3)(A)(xiii); rewrote (d) through (h) and deleted (i).

The 2011 amendment by No. 1209 inserted (b)(4).

The 2013 amendment substituted "April 15" for "March 15" in (a)(1) and (a)(2); and substituted "the Arkansas College and Career Readiness Planning Program under § 6-15-441" for "College Preparatory Enrichment Program (CPEP)" in (b)(3)(A)(xiv).

6-15-1402. Purpose — Report — Confidentiality — Rules. [Effective July 1, 2014.]

(a)(1) In order to generally improve public school accountability, to provide benchmarks for measuring individual school improvement, and to empower parents and guardians of children enrolled in Arkansas public schools by providing them with the information to judge the quality of their schools, the Department of Education shall annually prepare and publish a school performance report for each individual public school in the state, including the Arkansas School for the Deaf, the Arkansas School for the Blind, and the Arkansas School for Mathematics, Sciences, and the Arts, and shall distribute the report to the House Committee on Education and the Senate Committee on Education no later than April 15 each year.

(2) The school performance report for each school shall be made available to every parent or guardian of a child in kindergarten through grade twelve (K-12) in the public schools of Arkansas by posting the school performance report for each school on the website of the department and the website of the school district in which the public schools addressed in the school performance report are located no later than April 15 each year.

(b)(1)(A) The school performance report shall be based on reliable statistical information uniformly required to be collected and submitted by each local school district to the department and shall be published in a format that can be easily understood by parents or guardians who are not professional educators.

(B) The information necessary to produce the school performance report, including the names and addresses of parents and guardians, shall be filed with the department.

(C) The department may contract with individuals or businesses knowledgeable in the areas of graphic and computer design to ensure that the school performance reports required by this subchapter are published in a format that encourages their utilization by the citizens of the state.

(2) The school performance report for elementary schools shall:

(A) Include three-year trend data and allow parents or guardians to compare the school's performance with state and national averages in areas and shall include, but not be limited to, the following measures:

- (i) School safety;
- (ii) Norm-referenced test results;
- (iii) Augmented, criterion-referenced, or norm-referenced assessment results;
- (iv) Licensed staff qualifications;
- (v) Total per-pupil spending;
- (vi) Assessment of the local taxpayer investment in the school district;
- (vii) Percentage of students eligible to receive free or reduced-price meals;
- (viii) Average salary of the staff; and
- (ix) Average attendance rates for students; and

(B) Indicate separately whether:

(i) The school distributed the school's student discipline policy to parents;

(ii) The school's teachers, administrators, classified school employees, and volunteers have been provided with appropriate student discipline training; and

(iii) The school district has adopted a parental involvement plan in compliance with § 6-15-1702.

(3) The school performance report for middle schools, junior high schools, and high schools shall:

(A) Include three-year trend data and allow parents or guardians to compare the school's performance with state and national averages in areas which shall include, but not be limited to, the following:

- (i) School safety;
- (ii) Norm-referenced test results;
- (iii) Augmented criterion-referenced assessment results;
- (iv) Licensed staff qualifications;
- (v) Per-pupil spending;
- (vi) Assessment of the local taxpayer investment in the school district;
- (vii) Percentage of students eligible to receive free or reduced-price meals;
- (viii) Average salary of the staff;
- (ix) Average attendance rates for students;
- (x) Drop-out rate;
- (xi) Graduation or completion rates;
- (xii) College remediation rate for high schools only;
- (xiii) Collegiate admission test results, including the total number of students in grades nine through eleven (9-11) who took the ACT or SAT; and

(xiv) Student participation in the Arkansas College and Career Readiness Planning Program under § 6-15-441; and

(B) Indicate separately whether:

(i) The school distributed the school's student discipline policy to parents;

(ii) The school's teachers, administrators, classified school employees, and volunteers have been provided with appropriate student discipline training;

(iii) The school district has adopted a parental involvement plan in compliance with § 6-15-1702; and

(iv) The school district provides college preparation and remediation for students who have taken the ACT before their senior year of high school under the Universal ACT Assessment Program Act, § 6-18-1601 et seq.

(4) Beginning with the 2017-2018 school year, for the school year covered by a school performance report the report shall include:

(A) The total number of teachers who are employed in the public school; and

(B) Of that total, the number who meet each of the following criteria:

(i) Highly qualified teacher;

(ii) Identified as proficient or above under the Teacher Excellence and Support System for the school; and

(iii) Certified by the National Board for Professional Teaching Standards.

(c) School districts may prepare and distribute supplemental materials concerning the information contained in the school performance reports.

(d) The department is encouraged to:

(1) Include explanatory material regarding efforts to improve the state's public schools on the website of the department with school performance reports; and

(2) Explore the feasibility of incorporating the school improvement plans developed by schools and school districts with the school performance reports.

(e) The school performance report shall not include individual student information if the information is reported in a manner that would identify a particular student.

(f)(1) The department shall not disclose parent or guardian names, addresses, or other identifying information under any circumstances.

(2) Any vendor, contractor, or supplier utilized to provide services under this subchapter shall sign a confidentiality agreement prohibiting the disclosure of parent or guardian names, addresses, or other identifying information.

(g) The Arkansas School for the Blind and the Arkansas School for the Deaf shall submit to the department:

(1) The results of the appropriately adopted student achievement tests for the students enrolled at these schools; and

(2) A list of other schools' programs to which these schools can be compared.

(h) The department may promulgate rules necessary to carry out the purposes of this subchapter.

History. Acts 1999, No. 769, § 2; 2001, No. 775, § 8; 2003, No. 603, §§ 3, 4; 2003, No. 1473, § 5; 2007, No. 1573, §§ 12, 13; 2011, No. 988, § 1; 2011, No. 989, § 17; 2011, No. 1000, § 1; 2011, No. 1209, § 3; 2013, No. 1073, §§ 15, 16; 2013, No. 1462, § 6.

Publisher's Notes. For text of section effective until July 1, 2014, see the preceding version.

Amendments. The 2013 amendment by No. 1073 substituted "April 15" for

"March 15" in (a)(1) and (a)(2); and substituted "the Arkansas College and Career Readiness Planning Program under § 6-15-441" for "College Preparatory Enrichment Program (CPEP)" in (b)(3)(A)(xiv).

The 2013 amendment by No. 1462 deleted "Voluntary" preceding "Universal" in (b)(3)(B)(iv).

Effective Dates. Acts 2013, No. 1462, § 9, provided: "This act is effective on July 1, 2014."

SUBCHAPTER 16 — COMMISSION ON CLOSING THE ACHIEVEMENT GAP IN ARKANSAS

SECTION.

6-15-1601. Establishment of Commission on Closing the Achieve-

ment Gap in Arkansas — Members.

6-15-1601. Establishment of Commission on Closing the Achievement Gap in Arkansas — Members.

(a) There is established a commission to be known as the "Commission on Closing the Achievement Gap in Arkansas".

(b) The commission shall consist of eleven (11) members representing the racial and ethnic diversity of Arkansas as follows:

(1)(A) Five (5) persons appointed by the Governor.

(B)(i) One (1) of the Governor's appointees shall be a representative of business and industry in Arkansas, a representative of health and human services, or a public school teacher.

(ii)(a) Four (4) of the Governor's appointees shall be minority or low-income parents concerned about the achievement gap with one (1) representative from each of the four (4) congressional districts.

(b) A minimum of two (2) of the individuals appointed under subdivision (b)(1)(B)(ii)(a) of this section shall be African-American.

(c) A minimum of one (1) of the individuals appointed under subdivision (b)(1)(B)(ii)(a) of this section shall be Hispanic;

(2)(A) Three (3) persons appointed by the President Pro Tempore of the Senate.

(B)(i) One (1) of the President Pro Tempore's appointees shall be a member of the school of education faculty of an historically black college in the state with an accredited school of education.

(ii) One (1) of the President Pro Tempore's appointees shall be a minority who has demonstrated a commitment to education.

(iii) One (1) of the President Pro Tempore's appointees shall be a public school teacher with a special expertise in closing the achievement gap; and

(3)(A) Three (3) persons appointed by the Speaker of the House of Representatives.

(B)(i) One (1) of the Speaker of the House of Representatives' appointees shall be a person who has experience working with children from low income families.

(ii) One (1) of the Speaker of the House of Representatives' appointees shall be a minority who has demonstrated a commitment to education.

(iii) One (1) of the Speaker of the House of Representatives' appointees shall be a public school administrator with a special expertise in closing the achievement gap.

(c)(1) Upon taking office, the initial members shall draw lots to determine the length of their terms.

(2) The term of office shall be for no more than four (4) years.

(3) Appointments shall be for a term of four (4) years.

(d)(1) If a vacancy occurs in an appointed position for any reason, the vacancy shall be filled in the same manner as the original appointment.

(2) The new appointee shall serve for the remainder of the unexpired term.

(e)(1) The Governor shall designate one (1) of his or her appointees to serve as chair for the first year.

(2) Thereafter, the commission members shall annually elect a chair from among themselves.

(f)(1) The commission shall meet at times and places the chair deems necessary but no fewer than four (4) times per calendar year.

(2)(A) Commission members shall attend all meetings with no more than two (2) unexcused absences in a period of eighteen (18) months.

(B) Commission members with more than two (2) unexcused absences in a period of eighteen (18) months shall be automatically removed from the commission, and the original nominating entity for the position shall be notified to fill the vacancy.

(3) No meetings shall be held outside the State of Arkansas.

(4) A majority of the members of the commission shall constitute a quorum for the purpose of transacting business.

(5) All actions of the commission shall be by a majority vote of the full membership of the commission.

(6) A minimum of one (1) meeting shall be held in each of the four (4) congressional districts every thirty-six (36) months.

(g) The commission shall:

(1) Develop a plan for the state designed to enable all public school students to meet the state's student academic achievement standards while working toward the goal of narrowing the achievement gaps in public schools for the following subgroups:

(A) Economically disadvantaged students; and

(B) Students from major racial and ethnic groups;

(2) Monitor the Department of Education's efforts to comply with federal guidelines on improving the academic achievement of the disadvantaged, specifically including, but not limited to, the No Child Left Behind Act of 2001;

(3)(A) Monitor the Department of Education's identification of population groups to be motivated in closing the achievement gap efforts.

(B) The commission may expand the role and scope of the commission to cover specific population groups as identified by the Department of Education as target groups for closing the achievement gaps;

(4) Receive national school lunch data and reports biennially from the Department of Education;

(5) Interface with local school district achievement gap task forces created under § 6-15-1603 to provide data on the achievement gap and achievement gap intervention strategies;

(6) Present a report to the House Committee on Education and the Senate Committee on Education, the Governor, and the State Board of Education no later than November 1 of each year, which shall include without limitation:

(A) Profiles of underachieving students;

(B) Profiles of chronically under-performing schools and school districts;

(C) A review of policies and programs approved by the Department of Education for national school lunch expenditures on closing the achievement gap;

(D) Child poverty statistics in the state and the impact poverty has on education;

(E) Successful strategies with students of poverty;

(F) Best practices for teacher preparation for student and language diversity;

(G) A review of leadership challenges in closing the achievement gap; and

(H) Suggested policy changes to improve the achievement gap at the legislative, Department of Education, school district, and other levels; and

(7) Create a website that contains without limitation:

(A) Notices of upcoming meetings;

(B) The state plan for closing the achievement gap;

(C) A school district plan for closing the achievement gap from each school district;

(D) The membership and contact information for members of the commission and each local school district achievement gap task force;

(E) The minutes from commission meetings;

(F) A clearinghouse for research and other information the commission identifies as important or useful for understanding the achievement gap in the state; and

(G) Other information that the commission deems appropriate.

(h) At the discretion of the Commissioner of Education, the state shall provide resources necessary for the following:

(1) Relevant training for commission members in research-based strategies to close the achievement gap;

(2) Relevant technical experts to assist in drafting and monitoring the department's efforts to comply with federal guidelines on improving

the academic achievement of the disadvantaged, specifically including without limitation the No Child Left Behind Act of 2001;

- (3) Travel reimbursements for meetings;
- (4) Space and resources to conduct public forums; and
- (5) Printing and copying costs.

(i) The commission may study and address topics, including, but not limited to:

- (1) Understanding children of poverty;
- (2) Successful strategies with students of poverty;
- (3) Teacher preparation for student diversity;
- (4) Response to language diversity;
- (5) Methods of hiding the achievement gap;
- (6) Success stories;
- (7) Obstacles to overcome in closing the achievement gap;
- (8) Alternative intervention strategies for closing the achievement gap;
- (9) Leadership challenges in closing the achievement gap;
- (10) The role of parents, families, and caregivers in closing the achievement gap;
- (11) Parental and community diversity;
- (12) The relationship of school to environment and student;
- (13) The role of school and class size in achievement;
- (14) Conditional barriers to student access to additional learning opportunities; and
- (15) The profile of underachieving students.

(j) The commission may fund a study on research-based and proven strategies that close achievement gaps among racial, ethnic, and high-poverty groups.

(k)(1) The department shall provide meeting space and clerical support as needed by the commission.

(2)(A) Members of the commission shall serve without pay.

(B) Members of the commission may receive expense reimbursement in accordance with § 25-16-902, to be paid with funds allocated by the state for that purpose.

(l) The commission may accept gifts, grants, and donations for use in carrying out the purpose and duties of the commission.

History. Acts 2003, No. 1777, § 1; 2003 (2nd Ex. Sess.), No. 33, § 1; 2007, No. 1002, § 1; 2009, No. 1314, §§ 1–3.

Amendments. The 2009 amendment rewrote (b), (f), and (g); and added (l).

SUBCHAPTER 17 — PARENTAL INVOLVEMENT PLAN

SECTION.

6-15-1702. Parental involvement plan.

6-15-1703. Professional development.

6-15-1704. Annual review of parental involvement plans — Monitoring.

SECTION.

6-15-1705. Incorporation of parental involvement into teacher education programs.

Effective Dates. Acts 2009, No. 1469, § 32: Apr. 10, 2009. Emergency clause provided: "It is found and determined by the General Assembly of the State of Arkansas that it is the state's constitutional obligation to provide a general, suitable, and efficient free system of public schools in the state; that the public school funding distribution changes in this act are needed to ensure that proper funding is provided to the affected public schools and school districts; and that this act is immediately necessary so that the affected public schools and school districts will receive the amount of funding for the current school year. Therefore, an emergency is declared to exist and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on: (1) The date of its approval by the Governor; (2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or (3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto."

Acts 2013, No. 969, § 12: Apr. 8, 2013. Emergency clause provided: "It is found and determined by the General Assembly of the State of Arkansas that it is the state's constitutional obligation to provide a general, suitable, and efficient free system of public schools in the state; that the professional development of public school teachers and administrators is critical to the delivery of a constitutionally adequate education; and that this act is immediately necessary for school districts and educators to prepare for the professional development requirements needed for the 2013-2014 school year. Therefore, an emergency is declared to exist, and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on: (1) The date of its approval by the Governor; (2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or (3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto."

6-15-1702. Parental involvement plan.

(a) Each public school district and each public school within its boundaries, in collaboration with parents, shall establish a parental involvement plan, including programs and practices that enhance parental involvement and reflect the specific needs of students and their families.

(b) The parental involvement program in each school shall:

- (1) Involve parents of students at all grade levels in a variety of roles;
- (2) Be comprehensive and coordinated in nature;
- (3)(A) Recognize that communication between home and school should be regular, two-way, and meaningful.

(B) To encourage communication with parents, the school shall:

(i) Prepare an informational packet to be distributed annually to the parent of each child in the school, appropriate for the age and grade of the child, describing:

- (a) The school's parental involvement program;
- (b) The recommended role of the parent, student, teacher, and school;
- (c) Ways for the parent to become involved in the school and his or her child's education;
- (d) A survey for the parent regarding his or her interests concerning volunteering at the school;

(e) Activities planned throughout the school year to encourage parental involvement; and

(f) A system to allow the parents and teachers to communicate in a regular, two-way, and meaningful manner with the child's teacher and the school principal; and

(ii) Schedule no fewer than two (2) parent-teacher conferences per school year.

(C) The school may plan and engage in other activities determined by the school to be beneficial to encourage communication with parents;

(4)(A) Promote and support responsible parenting.

(B) To promote and support responsible parenting, the school shall, as funds are available:

(i) Purchase parenting books, magazines, and other informative material regarding responsible parenting through the school library, advertise the current selection, and give parents an opportunity to borrow the materials for review;

(ii) Create parent centers; and

(iii) Plan and engage in other activities determined by the school to be beneficial to promoting and supporting responsible parenting;

(5)(A) Acknowledge that parents play an integral role in assisting student learning.

(B) To help parents in assisting students, the school shall:

(i) Schedule regular parent involvement meetings at which parents are given a report on the state of the school and an overview of:

(a) What students will be learning;

(b) How students will be assessed;

(c) What a parent should expect for his or her child's education; and

(d) How a parent can assist and make a difference in his or her child's education;

(ii) Provide instruction to a parent on how to incorporate developmentally appropriate learning activities in the home environment, including without limitation:

(a) Role play and demonstration by trained volunteers;

(b) The use of and access to Department of Education website tools for parents;

(c) Assistance with nutritional meal planning and preparation; and

(d) Other strategies or curricula developed or acquired by the school district for at-home parental instruction approved by the Department of Education; and

(iii) Engage in other activities determined by the school to help a parent assist in his or her child's learning;

(6)(A) Welcome parents into the school and seek parental support and assistance.

(B) To welcome parents into the school, the school shall:

(i) Not have any school policies or procedures that would discourage a parent from visiting the school or from visiting a child's classrooms;

(ii) Encourage school staff to use the volunteer surveys to compile a volunteer resource book listing the interests and availability of volunteers so that school staff may:

(a) Determine how frequently a volunteer would like to participate, including the option of just one (1) time per year;

(b) Include options for those who are available to help at home; and

(c) Help match school needs with volunteer interests; and

(iii) Engage in other activities determined by the school to welcome parents into the school;

(7)(A) Recognize that a parent is a full partner in the decisions that affect his or her child and family.

(B) To encourage a parent to participate as a full partner in the decisions that affect his or her child and family, the school shall:

(i) Include in the school's policy handbook the school's process for resolving parental concerns, including how to define a problem, whom to approach first, and how to develop solutions;

(ii) Sponsor seminars to inform the parents of high school students about how to be involved in the decisions affecting course selection, career planning, and preparation for postsecondary opportunities; and

(iii) Engage in other activities that the school determines will encourage a parent to participate as a full partner in the decisions that affect his or her child and family;

(8)(A) Recognize that community resources strengthen school programs, family practices, and student learning;

(B) To take advantage of community resources, the school shall:

(i) Consider recruiting alumni from the school to create an alumni advisory commission to provide advice and guidance for school improvement;

(ii)(a) Enable the formation of a Parent Teacher Association or organization that will foster parental and community involvement within the school.

(b) Leaders of this organization shall be utilized in appropriate decisions affecting the children and families; and

(iii) Engage in other activities that the school determines will use community resources to strengthen school programs, family practices, and student learning; and

(9) Support the development, implementation, and regular evaluation of the program to involve parents in the decisions and practices of the school district, using, to the degree possible, the components listed in this section.

(c)(1) The principal of each school in a school district shall designate one (1) licensed staff member who is willing to serve as a parent facilitator to:

(A) Help organize meaningful training for staff and parents;

(B) Promote and encourage a welcoming atmosphere to foster parental involvement in the school; and

(C) Undertake efforts to ensure that parental participation is recognized as an asset to the school.

(2) The licensed staff member serving as a parental facilitator shall receive supplemental pay for the assigned duties as required by law.

History. Acts 2003, No. 603, § 1; 2007, No. 307, § 1; 2009, No. 397, § 1; 2009, No. 1469, § 5; 2013, No. 1138, § 20.

Amendments. The 2009 amendment by No. 397 inserted (b)(5)(B)(ii).

The 2009 amendment by No. 1469 redesignated (b)(3)(B); inserted (b)(3)(ii) and made a related change.

The 2013 amendment substituted "licensed" for "certified" in (c)(1) and (c)(2).

6-15-1703. Professional development.

(a) The State Board of Education's Standards for Accreditation of Arkansas Public Schools and School Districts shall require the following professional development hours according to the professional development schedule under § 6-17-709:

(1) Two (2) hours of professional development as part of the minimum number of hours of professional development required for teachers, designed to enhance understanding of effective parental involvement strategies; and

(2) Two (2) hours of professional development as part of the minimum number of hours of professional development required for administrators, designed to enhance understanding of:

(A) Effective parent involvement strategies; and

(B) The importance of administrative leadership in setting expectations and creating a climate conducive to parental participation.

(b) A school district shall provide training at least annually for volunteers who assist in an instructional program for parents.

History. Acts 2003, No. 603, § 1; 2009, No. 397, § 2; 2011, No. 1002, § 2; 2013, No. 969, § 2.

A.C.R.C. Notes. The amendment to § 6-15-1703 made by Acts 2011, No. 1002, § 2 indicated by strike-through that the words "which may be included in the" were to be repealed from (a)(2). The words "which may be included in the" do not appear in (a)(2) as indicated, but rather the words "in addition to the" appear there. A.C.R.C. staff has determined that the intention was to repeal the words "in addition to the" in (a)(2) and § 6-15-1703 is set out above accordingly.

Amendments. The 2009 amendment inserted (b); deleted "By September 1, 2003" in the introductory language of (a); substituted "minimum number of" for "thirty (30)" in (a)(2); and made related and minor stylistic changes.

The 2011 amendment substituted "Professional" for "Staff" in the section heading; in (a)(1), substituted "Two (2) or more" for "No fewer than two (2)" and "as part of the annual" for "opportunities for teachers, which may be included in the"; in (a)(2), substituted "Three (3) or more" for "No fewer than three (3)" and "as part of the annual" for "opportunities for administrators, in addition to the"; added present (b) and redesignated former (b) as (c).

The 2013 amendment inserted "the following ... under § 6-17-709" in (a); in (a)(1), deleted "or more" and "annual" and inserted "for teachers"; in (a)(2), substituted "Two (2)" for "Three (3) or more," deleted "annual," and inserted "for administrators"; and deleted former subsection (b) and redesignated the remaining subsection accordingly.

6-15-1704. Annual review of parental involvement plans — Monitoring.

(a) Annually by October 1, every school district shall review and update the school district's parental involvement plan and:

- (1) File a copy of the plan with the Department of Education;
- (2) Place a copy of the plan on the school district's website; and
- (3)(A) Place a parent-friendly summary of the plan as a supplement to the student handbook.

(B) The parent shall sign a form acknowledging receipt of the summary and return the signed form to the school where the student is enrolled.

(b)(1)(A) The department shall:

- (i) Review each plan;
- (ii) Determine whether the plan is in compliance with provisions of this subchapter; and
- (iii) Indicate on the school's performance report under § 6-15-1402 whether or not the school district is in compliance with this subchapter.

(B) Periodically on a rotating schedule, the department shall monitor each school district's plan to:

- (i) Evaluate whether the school district is implementing its plan and the implementation's effectiveness; and
- (ii) Assess the areas in which a school district needs to revise its plan or its implementation of the plan.

(C) The department shall place priority for monitoring under subdivision (b)(1)(B) of this section on school districts that have been identified as being in:

- (i) School improvement for two (2) consecutive school years; or
- (ii) Academic distress.

(2) By January 1 of each year, the department shall provide any recommendations in writing to a school district:

(A) Concerning areas of noncompliance with §§ 6-15-1701 — 6-15-1703; or

(B) As a result of the department's monitoring under subdivision (b)(1)(B) of this section.

(3) The department shall allow the school district an opportunity to implement the department's recommendations.

(4) The State Board of Education shall incorporate the provisions of this subsection into its rules for parental involvement plans.

History. Acts 2003, No. 603, § 2; 2011, No. 1002, § 1; 2013, No. 1423, § 1.

Amendments. The 2011 amendment added "Monitoring" to the section heading; substituted "Annually by October 1" for "Beginning on October 1, 2004, and by

each October 1 thereafter" in (a); added the (a)(1) designation and added (a)(2); added the (b)(1)(A), (b)(1)(A)(i) through (b)(1)(A)(iii) designations, and added (b)(1)(B); and rewrote (b)(2).

The 2013 amendment added (a)(3).

6-15-1705. Incorporation of parental involvement into teacher education programs.

The Department of Education and the Department of Higher Education shall collaborate with institutions of higher education to incorporate into teacher and administrator education programs instruction regarding:

- (1) The importance of parental involvement;
- (2) Successful strategies for encouraging a parent to be a partner in his or her child's education; and
- (3) The relationship between cultural diversity and parental involvement.

History. Acts 2003, No. 603, § 5; 2009, No. 397, § 3.

Amendments. The 2009 amendment redesignated the section; inserted "and

administrator" and substituted "instruction" for "information" in the introductory language; added (3); and made related and minor stylistic changes.

SUBCHAPTER 18 — ARKANSAS PYGMALION COMMISSION ON NONTRADITIONAL EDUCATION. [REPEALED.]

SECTION.

6-15-1801 — 6-15-1806. [Repealed.]

6-15-1801 — 6-15-1806. [Repealed.]

Publisher's Notes. This subchapter was repealed by Acts 2013, No. 581, § 6. The subchapter was derived from the following sources:

- 6-15-1801. Acts 1993, No. 1288, § 1.
 6-15-1802. Acts 1993, No. 1288, § 2.
 6-15-1803. Acts 1993, No. 1288, § 3;
 1995, No. 596, § 1; 1997, No. 112, § 18,

30; 1999, No. 1481, § 1; 2003 (1st Ex. Sess.), No. 51, § 24.

6-15-1804. Acts 1993, No. 1288, § 4; 1995, No. 596, § 2; 1997, No. 312, § 19.

6-15-1805. Acts 1993, No. 1288, § 5.

6-15-1806. Acts 1993, No. 1288, § 6; 1997, No. 250, § 251; 1999, No. 1481, § 2.

SUBCHAPTER 19 — DELTA STUDENT ACADEMIC SUCCESS PLAN

SECTION.

6-15-1901. Establishment of plan.

6-15-1901. Establishment of plan.

(a) The University of Arkansas at Pine Bluff may establish a Delta Student Academic Success Plan to reduce the disparities in the academic performance of youth in the Arkansas delta.

(b) The plan shall consist of the following components:

(1) A coalition effort between the University of Arkansas at Pine Bluff and various school districts in Arkansas, Chicot, Drew, Jefferson, and Lincoln counties;

(2) A plan to establish a standards-based curriculum to be used in the various school districts in mathematics, reading, and English using

instructional strategies based on students’ assessed mastery level and learning styles;

- (3) Faculty development in:
 - (A) Standards-based mathematics, reading, and English;
 - (B) Use of student assessment data in instructional design; and
 - (C) Instructional design based on assessed mastery and learning styles;
- (4) Development of an Arkansas Teacher Corps to increase the number of new and licensed teachers;
- (5) Development of an after-school academic program to reinforce knowledge and skills taught during the regular class day and to help develop knowledge and skills in wellness, art, hobbies, personal growth, decision making, and career awareness and requirements; and
- (6) Development of a comprehensive evaluation program in which key assessment measures shall include:

- (A) The number of participants;
- (B) The participants’ mastery of English, mathematics, and reading as measured by the state benchmark examinations;
- (C) Stanford Achievement Test and National Assessment of Educational Progress measures; and
- (D) Admission to and graduation from an accredited college or technical institution.

(c) The Chancellor of the University of Arkansas at Pine Bluff may enter into an agreement with the superintendents of the school districts within Arkansas, Chicot, Drew, Jefferson, and Lincoln counties to implement the plan to the extent that the plan does not conflict with Arkansas law or with the standards set forth by the Department of Education.

(d) If a plan is established, the chancellor shall make a yearly report of the progress of the plan, including the evaluations and measures as described under subdivision (b)(6) of this section to the superintendents of the school districts in Arkansas, Chicot, Drew, Jefferson, and Lincoln counties, the department, the interim House Committee on Education, the interim Senate Committee on Education, and the Legislative Council.

History. Acts 2003 (2nd Ex. Sess.), No. 31, § 1; 2013, No. 1138, § 21. substituted “licensed” for “certified” in (b)(4).

Amendments. The 2013 amendment

SUBCHAPTER 20 — PUBLIC SCHOOL STUDENT PROGRESSION

| SECTION. | SECTION. |
|--|---|
| 6-15-2009. Public school assessments and remediation. | 6-15-2012. College and career readiness assessments — Secondary |
| 6-15-2010. [Repealed.] | intervention programs — |
| 6-15-2011. Supplemental Educational Services Transparency Act. | Transitional courses. |

Effective Dates. Acts 2009, No. 1307, § 6: July 1, 2009. Emergency clause provided: "It is found and determined by the General Assembly of the State of Arkansas that end-of-course assessments for public school students assist the state in measuring a student's proficiency in reading, writing, and mathematics, which is essential to academic progression for students; that a specified effective date for this act is essential to the continuity of public student assessments, which begin with an early fall testing cycle, and to the efficient operation of the Department of Education and the public schools of this state in preparing for the fall 2009 testing cycle; and that this act is immediately necessary because any delay could work irreparable harm to the department, to the public school districts, and to the students. Therefore, an emergency is declared to exist and this act being necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2009."

Acts 2013, No. 1081, § 23: Apr. 4, 2013. Emergency clause provided: "It is found

and determined by the General Assembly of the State of Arkansas that it is the state's constitutional obligation to provide a general, suitable, and efficient free system of public schools in the state; that the transition from the state's existing assessment program to a common set of next-generation assessments in English language arts and mathematics is critical to the delivery of a constitutionally adequate education; and that this act is immediately necessary for school districts and educators to prepare for the implementation of the new assessment system. Therefore, an emergency is declared to exist, and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on: (1) The date of its approval by the Governor; (2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or (3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto."

6-15-2009. Public school assessments and remediation.

(a)(1) Each student shall participate in the statewide program of educational assessment required in §§ 6-15-419, 6-15-433, and this section and by the State Board of Education.

(2) Each student in grades three through eight (3-8) shall participate in assessments required in §§ 6-15-419, 6-15-433, and this section and by the state board.

(3) Students in appropriate grades shall participate in the end-of-course assessments and college and career readiness measurements required by §§ 6-15-419 and 6-15-433 as established by the state board and this section.

(4)(A) The State Board of Education shall determine the requisite scale score of student performance on each assessment or measurement required in subdivisions (a)(1)-(3) of this section.

(B) The State Board of Education shall make its determination of the requisite scale score of student performance on college and career readiness measurements used for college placement in conjunction with the Arkansas Higher Education Coordinating Board.

(b)(1) Each student identified as not meeting the satisfactory pass levels in the immediate previously administered benchmark assessment shall participate in the remediation activities as required in the student's individualized academic improvement plan beginning in the school year the assessment results are reported.

(2) The Department of Education may determine that an individualized education program for a student with disabilities identified under the Individuals with Disabilities Education Act, 20 U.S.C. § 1400 et seq., meets the requirements of an individualized academic improvement plan under this section if the individualized education program addresses one (1) or more academic areas in which the student is not proficient on state-mandated augmented, criterion-referenced, or norm-referenced assessments.

(3)(A) The public school district where the student is enrolled shall notify the student's parent, guardian, or caregiver of the parent's role and responsibilities as well as the consequences for the student's failure to participate in the plan.

(B) This notice may be provided via student handbooks issued to students.

(4) A student in grades three through eight (3-8) identified as not passing a benchmark assessment and who fails to participate in the subsequent academic improvement plan shall be retained and shall not be promoted to the next appropriate grade until:

(A) The student is deemed to have participated in an academic improvement plan; or

(B) The student passes the benchmark assessment for the current grade level in which the student is retained.

(c)(1) A student required to take an end-of-course assessment who is identified as not meeting the requisite scale score for a particular assessment shall participate in the remediation activities as required in the student's individualized academic improvement plan in the school year that the assessment results are reported in order to receive academic credit on his or her transcript for the course related to the end-of-course assessment.

(2) The individualized academic improvement plan shall include remediation activities focused on those areas in which a student failed to meet the requisite scale score of an end-of-course assessment.

(3) A student who is identified as not meeting the requisite scale score for an end-of-course assessment shall not receive academic credit on his or her transcript for the course related to the end-of-course assessment until the student is identified as having participated in remediation through an individualized academic improvement plan.

(d)(1) The state board may require remediation activities and an individualized academic improvement plan for a student in grade eleven (11) or below who does not meet the requisite scale score for a particular college and career readiness measurement.

(2) The state board may require that the individualized academic improvement plan include one (1) or more opportunities for a student to retake the measurement.

(3) For the purpose of a college and career readiness measurement, remediation shall not require that a student pass a subsequent college and career readiness measurement in order to graduate from an Arkansas high school.

(e)(1) The end-of-course assessment program shall be maintained in such a manner as to meet the requirements of state and federal law, including the full range of students with disabilities.

(2)(A) The superintendent of each public school district shall be responsible for the proper administration of this section and the rules promulgated by the state board to implement the requirements of this section.

(B) To the extent that a public school district is determined to have knowingly failed to administer these provisions of law or rules, the superintendent's license shall be subject to probation, suspension, or revocation under § 6-17-410.

(3) Each year the department shall make public item and task prototypes for the English language arts and mathematics assessments required by this section or a selection of actual items and tasks from the most recent assessments.

(4)(A) The state board shall promulgate rules to establish cut scores, remediation programs required in this section, and other components of the state assessment program necessary to administer the provisions of this section.

(B) Remedial activities and instruction provided during high school shall not be in lieu of English language arts, mathematics, science, history, or other core courses required for graduation.

(5) Each school year, the department shall establish and publish by commissioner's memo an assessment cycle for state-required assessments that a public school district shall follow unless the public school district has obtained a written waiver from the department.

(6)(A) The department shall develop the form of end-of-course assessments and subsequent end-of-course assessments with the documents, manuals, forms, and protocols necessary for the proper administration, completion, submission, and scoring of the assessment.

(B) The assessment shall be composed of sections that may include both multiple choice and open-response test items.

(7) For the 2009-2010 school year and each school year thereafter, the department shall take steps to ensure that the end-of-course assessments are aligned with state standards and that professional development training is available to teachers of courses for which an end-of-course assessment is required.

(8) In administering the assessments under this section, the public school district shall provide state-approved accommodations for students with state-recognized disabilities and for English language learners as allowed by law and state board rules.

History. Acts 2005, No. 2243, § 1; 2007, No. 1573, §§ 14, 15; 2009, No. 1307, § 4; 2011, No. 989, §§ 18-20; 2013, No. 1081, §§ 9-14.

A.C.R.C. Notes. Acts 2013, No. 1081, § 22, provided: "Any new assessment re-

quired by this act to be implemented by the State Board of Education shall be implemented no later than the 2014-2015 school year or, if the state board determines delay is necessary to ensure proper alignment with curriculum and other as-

sessments, no later than the 2015-2016 school year.”

Amendments. The 2009 amendment rewrote the section.

The 2011 amendment substituted “2014-2015” for “2013-2014” throughout (d), (e)(1) and (f)(1)(A).

The 2013 amendment substituted “A” for “Beginning with the 2009-2010 school

year” in (c)(1); substituted “an” for “a general” in (c)(1) and (c)(3); substituted “meet the requisite scale score of an” for “pass a general” in (c)(2); rewrote (a) and (d); deleted former (e)(1) and redesignated former (f)(1)(A) and (B) as present (e)(1), and rewrote (e)(1).

6-15-2010. [Repealed.]

Publisher’s Notes. This section, concerning alternative exit course and alternative course exam, was repealed by Acts

2009, ch. 1307, § 5. This section was derived from Acts 2005, No. 2243, § 1.

6-15-2011. Supplemental Educational Services Transparency Act.

(a) This section shall be known and may be cited as the “Supplemental Educational Services Transparency Act”.

(b) The purposes of this section are to:

(1) Increase academic performance of students and reduce student remediation rates;

(2) Ensure that students who qualify for supplemental educational services receive the services they need;

(3) Assist parents in making informed decisions when selecting supplemental educational service providers; and

(4) Assist policy makers in reviewing the effectiveness of the supplemental educational service providers.

(c) As used in this section:

(1) “Provider” means a person or entity that:

(A) Provides supplemental educational services to Arkansas public school students; and

(B) Is identified on the list of approved supplemental educational service providers published by the Department of Education; and

(2)(A) “Supplemental educational services” means academic instruction:

(i) Provided to public school students in addition to the instruction provided during a school day; and

(ii) Designed to increase the academic achievement of students enrolled in public schools that have been identified as being in year two (2) or higher of school improvement.

(B) “Supplemental educational services” includes without limitation academic assistance such as tutoring, remediation, and other supplemental academic enrichment services that are:

(i) Consistent with the content and instruction used by the school district where the provider’s students are enrolled; and

(ii) Aligned with the state’s academic content and achievement standards.

(d)(1) A provider shall prepare an annual report and:

(A) Submit the annual report to the department and to the school district where the supplemental educational services are provided; and

(B) Place a copy of the annual report on the provider's website.

(2) The report shall include without limitation the following information:

(A) By race and gender, the improvement in student achievement for each student served based on the statewide benchmark tests or other statewide assessment of student achievement;

(B) Student attendance rates;

(C) The amount of funds the provider received per student;

(D) By school district, the total number of supplemental educational services contracts and the total amount of funds received under those contracts;

(E) The total number of years supplemental educational services have been provided and the total number of students served for all years; and

(F) The results of parent satisfaction surveys.

(e) A school district shall include the provider's report on the school district's website.

(f)(1) Annually, the department shall review the report of a provider before placing the provider on the department's list of state-approved providers.

(2) The department shall include a link for parents to access information concerning approved providers on its website.

(g) By January 15, 2012, and by January 15 of each year thereafter, a provider of supplemental educational services shall also prepare an annual progress report containing at least the information required under subsection (d) of this section to the House Committee on Education and the Senate Committee on Education.

(h) The State Board of Education shall promulgate rules to implement this section.

History. Acts 2011, No. 902, § 2.

A.C.R. Notes. Acts 2011, No. 902, § 1, provided: "Legislative Intent.

"(a) The General Assembly finds that under the No Child Left Behind Act of 2001, 20 U.S.C. § 6301 et seq., students from low-income families attending schools that do not make adequate yearly

progress for three (3) or more years are eligible to receive supplemental educational services.

"(b) To ensure that students needing service are served by quality supplemental services providers, the General Assembly enacts this Supplemental Educational Services Transparency Act."

6-15-2012. College and career readiness assessments — Secondary intervention programs — Transitional courses.

(a) Before a student's graduation from high school, a high school shall assess the student's college readiness based on the statewide college and career readiness standards determined and implemented by the State Board of Education.

(b) A high school shall provide for each student who does not meet the college and career readiness standards under the assessment:

- (1) One (1) or more transitional courses designed to help the student reach college and career readiness standards; and
- (2) Related strategies to allow for accelerated skill and knowledge development consistent with the college and career readiness standards.

- (c) A transitional course:
 - (1) Is based on the college and career readiness standards; and
 - (2) May be composed of digital transitional modules that allow a student to progress at his or her own pace in the specific area of intervention needed.

(d) The Arkansas Higher Education Coordinating Board shall exempt from the placement exam under § 6-61-110 a first-time entering freshman at a state-supported institution of higher education who meets the college and career readiness standards.

(e) A high school shall award the same credit for a full mathematics transitional course as it does for a fourth-year mathematics course.

(f) The State Board of Education may promulgate rules to implement this section.

History. Acts 2013, No. 585, § 2.

SUBCHAPTER 21 — SCHOOL RATING SYSTEM

| SECTION. | SECTION. |
|--|---|
| 6-15-2101. School rating system — Annual reports. | performance category level measurement — Publication. |
| 6-15-2102. [Repealed.] | 6-15-2106. School rating system — Rules. |
| 6-15-2103. School rating system — School annual performance category levels. | 6-15-2107. Arkansas School Recognition Program. |
| 6-15-2105. School rating system — School ratings and perfor- | |

6-15-2101. School rating system — Annual reports.

(a)(1) The Department of Education shall prepare annual reports of the results of the statewide assessment program that describe student achievement in each school district and each school in the state and the school performance category levels under § 6-15-2103.

(2) The department shall prescribe the design and content of these reports that shall include without limitation descriptions of achievement of all schools participating in any assessment program and all of their major student populations as determined by the department, provided that the provisions of § 6-15-415 pertaining to student records apply to this section.

- (3) Annual school performance reports shall be:
 - (A) Made available in hard copy to all parents or guardians;
 - (B) Posted on the department’s website;
 - (C) Posted on the local school district’s website; and

(D) Published by the local school district in the local newspaper.

(b)(1) The department shall provide information regarding performance of students and educational programs as required under §§ 6-15-433 and 6-15-2301 and implement a system of school reports as required by statute and State Board of Education rule.

(2) Annual school performance reports shall be in an easy-to-read format and shall include both the school improvement and performance level designations.

(c) The annual report shall designate one (1) school performance category level for each school based on:

(1) Student academic performance on state-mandated assessments as required by law or by rule of the state board;

(2) Student growth based on state-mandated assessments as required by law or by rule of the state board; and

(3) For a secondary school, the school's graduation rate.

(d) In addition to the designation of one (1) overall school performance category for each school required by subsection (c) of this section, the annual report shall separately list the following measures by school:

(1) Student performance on state-mandated assessments as required by law or rule of the state board;

(2) Student academic growth based on state-mandated assessments as required by law or rule of the state board;

(3) For a secondary school, the school's graduation rate; and

(4) Any other criteria required by law or by rule of the state board.

History. Acts 2003 (2nd Ex. Sess.), No. 35, § 6; 2005, No. 1962, § 10; 2007, No. 1573, § 16; 2013, No. 1073, § 17; 2013, No. 1429, § 5.

Amendments. The 2013 amendment by No. 1073, in (a)(3), added the (A) and (B) and (D) designations, added (C), and substituted "Made available in hard copy" for "sent" in (A).

The 2013 amendment by No. 1429 substituted "under § 6-15-2103" for "pursuant to §§ 6-15-2102 and 6-15-2103" in (a)(1); redesignated and rewrote former (a)(3) as present (a)(3)(A) through (a)(3)(D); rewrote (c)(1) and (c)(2); and added (c)(3) and (d); and made stylistic changes to the section.

6-15-2102. [Repealed.]

Publisher's Notes. This section, concerning school rating system and annual improvement category levels, was repealed by Acts 2013, No. 1429, § 6. This

section was derived from Acts 2003 (2nd Ex. Sess.), No. 35, § 6; 2007, No. 1573, § 17.

6-15-2103. School rating system — School annual performance category levels.

The annual report shall identify schools as being in one (1) school performance category level defined according to rules of the State Board of Education.

History. Acts 2003 (2nd Ex. Sess.), No. 35, § 6; 2007, No. 1573, § 18; 2013, No. 1429, § 7.

Amendments. The 2013 amendment deleted “Annual performance goals” following “School rating system” in the introductory language; redesignated former (a) as part of the present introductory lan-

guage; substituted “school performance category level” for “of the following category levels, based on the augmented, criterion-referenced, or norm-referenced assessments, as defined in § 6-15-404(g), and” in the present introductory language; and deleted (a)(1) through (a)(5) and (b) through (e).

6-15-2105. School rating system — School ratings and performance category level measurement — Publication.

(a) School performance category level designations or ratings shall apply to each school’s achievement for the year in which the achievement is measured.

(b)(1) Each school’s designation or rating shall be published annually by the Department of Education and by the school district and shall be available on the department’s website.

(2) Each parent and guardian is entitled to an easy-to-read written report describing the designation or rating of the school in which his or her child is enrolled.

(3) Effective with the 2014-2015 school year, the report required under this section shall identify the levels of improvement and performance on the report as:

(A) “A” for schools that are rated “exemplary” by the Department of Education, Level 5 under § 6-15-2102 [Repealed.], or Level 5 under § 6-15-2103;

(B) “B” for schools that are rated “achieving” by the department, Level 4 under § 6-15-2102 [Repealed.], or Level 4 under § 6-15-2103;

(C) “C” for schools that are rated “needs improvement” by the department, Level 3 under § 6-15-2102 [Repealed.], or Level 3 under § 6-15-2103;

(D) “D” for schools that are rated “needs improvement — focus” by the department, Level 2 under § 6-15-2102 [Repealed.], or Level 2 under § 6-15-2103; and

(E) “F” for schools that are rated “needs improvement — priority” by the department, Level 1 under § 6-15-2102 [Repealed.], or Level 1 under § 6-15-2103.

History. Acts 2003 (2nd Ex. Sess.), No. 35, § 6; 2013, No. 696, § 1; 2013, No. 1429, § 8.

Amendments. The 2013 amendment by No. 696 added (b)(3).

The 2013 amendment by No. 1429 substituted “ratings and performance cat-

egory level measurement — Publication” for “improvement and performance category level — Improvement and performance rating reports” in the section heading; deleted “annual improvement and” following “School” in (a); and substituted “or” for “and” in (a), (b)(1), and (b)(2).

6-15-2106. School rating system — Rules.

(a) The State Board of Education shall adopt rules necessary to implement this subchapter pursuant to the Arkansas Administrative Procedure Act, § 25-15-201 et seq.

(b) The state board may by rules adopted and reviewed under § 10-3-309 redesignate the levels of performance categories and improvement categories under this subchapter to be consistent with:

- (1) The Common Core State Standards;
- (2) Assessments that correlate with those standards; and
- (3) Rules adopted under the requirements of a law enacted by Congress for general education, including without limitation the Elementary and Secondary Education Act of 1965 as reauthorized by the No Child Left Behind Act of 2001, 20 U.S.C. § 6301 et seq., or any supplementary federal regulations, directives, or decisions of the United States Department of Education pertaining to that legislation.

History. Acts 2003 (2nd Ex. Sess.), No. 35, § 6; 2013, No. 696, § 2.

Amendments. The 2013 amendment substituted "Rules" for "Improvement and performance category levels — Annual" in the section heading; and added (b).

6-15-2107. Arkansas School Recognition Program.

(a) The General Assembly finds that there is a need for an incentive program for outstanding schools. The General Assembly further finds that performance-based incentives are commonplace in the private sector and should be infused into the public sector as a reward for productivity.

(b) The Arkansas School Recognition Program is created to provide financial awards to public schools that experience high student performance, student academic growth, and for a secondary school, a high graduation rate.

(c)(1)(A) If funds are available, a public school or public charter school shall receive performance-based funding of:

(i) One hundred dollars (\$100) per student who attends the public school or public charter school if:

(a) The public school or public charter school is in the top ten percent (10%) of all public schools in Arkansas in combined student performance, student academic growth, and for a secondary school, graduation rate under the criteria set forth by rule of the State Board of Education; or

(b) The public school or public charter school meets the criteria established by the state board to be used in lieu of the criteria set forth in subdivision (c)(1)(A)(i)(a) of this section to reward top-performing public schools; or

(ii) Fifty dollars (\$50) per student who attends the public school or public charter school if:

(a) The public school or public charter school is between the top eleven percent (11%) and top twenty percent (20%) of all public schools in Arkansas in combined student performance, student academic growth, and for a secondary school, graduation rate, under the criteria set forth by rule of the state board; or

(b) The public school or public charter school meets the criteria established by the state board to be used in lieu of the criteria set

forth in subdivision (c)(1)(A)(ii)(a) of this section to reward high-performing public schools that do not meet the eligibility criteria set forth in subdivision (c)(1)(A)(i) of this section.

(B) The rewards listed in subdivision (c)(1)(A) of this section:

(i) Shall begin after the 2012-2013 state-mandated assessments; and

(ii) Shall be based upon a comparison between the results of the 2011-2012 state-mandated assessments and the 2012-2013 state-mandated assessments.

(C) Needs Improvement-Focus schools and Needs Improvement-Priority schools as defined in rules of the state board, are ineligible to receive rewards under this section.

(2) The Department of Education may disburse available performance-based funding appropriated by the General Assembly on a pro-rata basis.

(3) Each school that receives performance-based funding shall submit to the department a proposal for its spending of the performance-based funding.

(4) The department shall:

(A) Review each proposal received under this section; and

(B) Approve spending of performance-based funding for academic expenses only as provided under subsection (f) of this section.

(d)(1) All eligible schools shall receive performance-based funding.

(2)(A) Funds shall be distributed to the school's fiscal agent and placed in the school's account and shall be used for purposes listed in subsection (f) of this section as determined by a committee which shall include:

(i) The principal;

(ii) A teacher elected by the faculty; and

(iii) A parent representative selected by the local Parent Teacher Association or some other local parental involvement group.

(B) The committee shall make its determination by December 15 of each applicable year.

(e) School recognition awards shall be used for the following:

(1) Nonrecurring bonuses to the faculty and staff;

(2) Nonrecurring expenditures for educational equipment or materials to assist in maintaining and improving student performance; or

(3) Temporary personnel for the school to assist in maintaining and improving student performance.

(f) The General Assembly shall appropriate and fund sufficient funds to implement this section.

History. Acts 2003 (2nd Ex. Sess.), No. 35, § 6; 2011, No. 989, § 21; 2013, No. 1429, § 9.

Amendments. The 2011 amendment substituted "If funds are available, a" for "Each" in (c)(1); inserted present (c)(2) and redesignated the remaining subdivisions

accordingly; and substituted "department" for "Department of Education" in (c)(4).

The 2013 amendment rewrote (b)(1) and (b)(2) as present (b); rewrote (c), deleted (d) and redesignated the remaining subdivisions accordingly.

SUBCHAPTER 22 — SCHOOL IMPROVEMENT AND EDUCATION ACCOUNTABILITY

SECTION.

6-15-2201. Implementation of state system of school improvement and education accountability.

SECTION.

6-15-2202. Access to public school information on school improvement plans.

6-15-2201. Implementation of state system of school improvement and education accountability.

(a) The Department of Education is responsible for implementing and maintaining a system of intensive school improvement and education accountability that shall include policies and programs to implement the following:

(1)(A) A system of data collection and analysis that will improve information about the educational success of individual students and schools.

(B) The information and analyses shall be capable of identifying educational programs or activities in need of improvement, and reports prepared pursuant to this section shall be distributed to the appropriate school district boards of directors prior to distribution to the general public.

(C) No disclosure shall be made that is in violation of applicable federal or state law;

(2) A program of school improvement that will analyze information to identify schools' educational programs or educational activities in need of improvement;

(3) A method of delivering services to assist school districts and schools to improve; and

(4) A method of coordinating the state educational goals and school improvement plans with any other state program that creates incentives for school improvement.

(b)(1) The department shall be responsible for the implementation and maintenance of the system of school improvement and education accountability outlined in this section.

(2) There shall be an annual determination of whether each school is progressing toward implementing and maintaining a system of school improvement.

(c)(1) If progress is not being made, the local school district shall prepare and implement a revised school improvement plan.

(2) The department and the State Board of Education shall monitor the development and implementation of the revised school improvement plan.

(d)(1)(A) The department shall implement a training program to develop among state and school district educators a cadre of facilitators of school improvement.

(B) These facilitators shall assist schools and school districts to conduct needs assessments and develop and implement school improvement plans to meet state goals.

(2)(A)(i) Upon request, the department shall provide technical assistance and training to any school, school district, or school district board of directors for conducting needs assessments, developing and implementing school improvement plans, developing and implementing assistance and intervention plans, or implementing other components of school improvement and accountability.

(ii) Priority for these services shall be given to schools designated as school districts in academic distress or schools in need of school improvement under state or federal law.

(B)(i) No less than semiannually, the department shall provide a report to the interim House Committee on Education and the interim Senate Committee on Education setting forth the school districts requesting assistance, the state of each request, and the dates and actions taken.

(ii) The department shall further report the results of the actions taken or assistance provided.

(3) [Repealed.]

(e) As a part of the system of educational accountability, the department shall:

(1) Develop minimum performance standards for various grades and subject areas, as required in §§ 6-15-404 and 6-15-433;

(2) Administer the statewide assessment testing program created by § 6-15-433;

(3) Conduct or contract with a provider to conduct the program assessments required by § 6-15-403;

(4) Conduct or contract with any provider for implementation for any part or portion of this act; and

(5) Perform any other functions that may be involved in educational planning, research, and evaluation or that may be required by the state board rules and regulations or federal or state law.

History. Acts 2003 (2nd Ex. Sess.), No. 35, § 8; 2007, No. 1573, § 19; 2013, No. 1429, § 10. **Amendments.** The 2013 amendment repealed (d)(3).

6-15-2202. Access to public school information on school improvement plans.

(a) This section is intended to:

(1) Improve student achievement and close achievement gaps among student subgroups by providing public access to comprehensive school improvement plans;

(2) Improve parental involvement and communication with parents;

(3) Increase transparency and accountability of public schools and public school districts to the public; and

(4) Make public school and public school district data more accessible to researchers and policymakers.

(b) By the twentieth day following the date a public school or public school district is required by law or rule to provide the applicable

information listed in this subsection (b), a public school district shall post the most recent version of the following information on its website:

(1)(A) The comprehensive school improvement plan developed under the Arkansas Comprehensive Testing, Assessment, and Accountability Program Act, § 6-15-401 et seq. for each public school in the public school district.

(B) A public school that accepts National School Lunch Act funds and national school lunch student state categorical funding under § 6-20-2305 shall report in the public school's comprehensive school improvement plan the following:

(i) A description of how the public school plans to use National School Lunch Act funds and national school lunch student state categorical funds in the current school year; and

(ii) A description of how the school used National School Lunch Act funds and national school lunch student state categorical funds in the previous school year;

(2) The public school district's annual report card and the annual report card of each public school in the public school district;

(3) A parent-friendly explanation of:

(A) The school improvement status of the public school district;

(B) The school improvement status of each public school in the public school district, including the identification of any supplemental educational services available to each public school; and

(C) Why the public school district or any of its public schools are under academic distress, school improvement, or fiscal distress and what the district is doing to be removed from academic distress, school improvement, or fiscal distress;

(4) The public school district's parental involvement plan and the parental involvement plan of all public schools in the public school district and informational packets required under § 6-15-1702 and under the No Child Left Behind Act of 2001; and

(5) Teacher qualifications for all public schools in the public school district under the No Child Left Behind Act of 2001.

(c) Not less than annually, the Department of Education shall monitor compliance with the requirements of this section when the department:

(1) Directly monitors a school for compliance with standards and accreditation; or

(2) Assists a school with its comprehensive school improvement plan.

(d)(1) The department shall report a failure to comply with this section to the State Board of Education.

(2) The state board shall establish by rule that compliance with this section is a requirement for accreditation of a public school or public school district.

History. Acts 2009, No. 1373, § 1.

SUBCHAPTER 26 — THE REWARDING EXCELLENCE IN ACHIEVEMENT PROGRAM

SECTION.

6-15-2605. Application forms and procedures for the Rewarding Excellence in Achievement Program.

SECTION.

6-15-2606. Contents of Rewarding Excellence in Achievement plans.

6-15-2605. Application forms and procedures for the Rewarding Excellence in Achievement Program.

(a)(1)(A) A public school district or public charter school desiring to participate in the Rewarding Excellence in Achievement Program shall submit an application to the State Board of Education.

(B) A public school district may apply on behalf of a single school within the public school district that desires to participate in alternative pay.

(2)(A) The public school district or public charter school shall be selected through a competitive process.

(B) In selecting participants, the State Board of Education shall consider qualified applicants from various locations and of various sizes and demographics.

(3) The state board may approve up to twelve (12) applications.

(b) The state board shall adopt:

(1) An application form, a schedule, and a procedure that must be used to apply for the Rewarding Excellence in Achievement Program; and

(2) Criteria to use in selecting public school districts and public charter schools to participate in the Rewarding Excellence in Achievement Program.

(c) The application form must provide space for including all information required under this subchapter to be contained in a Rewarding Excellence in Achievement plan.

(d) The application procedure shall provide for a phase-in process, beginning with a planning phase for a twelve-month minimum period, to allow applicants access to resources that would allow sufficient research of best practices and to garner community and staff support in submitting a Rewarding Excellence in Achievement plan.

(e)(1) In order to participate in the Rewarding Excellence in Achievement Program, a public school district or public charter school must have an approved comprehensive school improvement plan, as defined in § 6-15-419(9).

(2) Prior to full implementation of a Rewarding Excellence in Achievement plan, the comprehensive school improvement plan of the public school, public school district, or public charter school shall include:

(A) Assessment and evaluation tools to measure student performance and progress based on an achievement gains model;

(B) Performance goals and benchmarks for improvement;

(C) Measures of student attendance and completion rates;

(D) A rigorous professional development system consistent with the comprehensive school improvement plan defined in § 6-15-419(9) and student academic improvement plans as defined in § 6-15-419(2);

(E) Measures of student, family, and community involvement and satisfaction;

(F) A data reporting system about students and their academic progress that provides parents and the public with understandable information;

(G) A teacher induction and mentoring program for probationary teachers that provides continuous learning and sustained teacher support; and

(H) Substantial participation by teachers in developing the Rewarding Excellence in Achievement plan.

(f)(1) As part of the application process, participant schools shall conduct a vote of the teachers with the threshold for acceptance being seventy percent (70%) or another percent established by a majority vote of the teachers and approved by the local board.

(2)(A) A teacher in the participant school or school district may elect not to participate in the Rewarding Excellence in Achievement plan.

(B) If fifty-one percent (51%) or more of a participant school's teachers elect not to participate, the Rewarding Excellence in Achievement plan shall not be implemented.

(g)(1) All recipients of funds provided by the Rewarding Excellence in Achievement Program shall cooperate and share all school demographic and student achievement data with any state-sponsored evaluation of this program.

(2)(A)(i) A public school district or public charter school applicant shall form a committee to consist of public school administrators and teachers, the majority of whom shall be public school teachers.

(ii) The classroom teacher members of the committee shall be elected by a majority of the classroom teachers voting by secret ballot.

(iii) The election shall be solely and exclusively conducted by the classroom teachers, including the distribution of ballots to all classroom teachers.

(B) The committee shall be responsible for:

(i) Creating the school's Rewarding Excellence in Achievement plan; and

(ii)(a) Evaluating the school's Rewarding Excellence in Achievement plan.

(b) The committee shall report to its local board on the evaluation of the school's Rewarding Excellence in Achievement plan.

History. Acts 2007, No. 1029, § 1; 2009, No. 376, §§ 18, 19.

Amendments. The 2009 amendment substituted "State Board of Education" for

"Department of Education" in (a)(2)(B); and substituted "participant" for "participating" in (f)(2)(A).

6-15-2606. Contents of Rewarding Excellence in Achievement plans.

(a) A Rewarding Excellence in Achievement plan approved for participation in the Rewarding Excellence in Achievement Program shall describe how:

(1) Teachers can achieve career advancement and additional compensation;

(2) The public school district or public charter school will provide teachers with career advancement options that allow teachers to retain primary roles in student instruction and facilitate site-focused professional development that helps other teachers improve their skills;

(3) The public school district or public charter school will prevent any teacher's compensation paid before implementing the pay system from being reduced as a result of initial implementation of the Rewarding Excellence in Achievement plan;

(4) The forty percent (40%) to sixty percent (60%) performance portion of compensation will be determined;

(5) The forty percent (40%) to sixty percent (60%) knowledge and skill base portion of compensation will be determined;

(6) The plan will reform the steps and lanes salary schedule;

(7) The public school district or public charter school will encourage a collaborative relationship among teachers; and

(8) After full plan implementation, the alternative compensation system will be:

(A) Sustained; or

(B) Phased out if the Rewarding Excellence in Achievement plan evaluation reveals that the plan does not work for the school.

(b) Rewarding Excellence in Achievement plans approved for participation in the Rewarding Excellence in Achievement Program may include provisions regarding the compensation for administrators and other staff members.

(c) Compensation increases for the performance portion of compensation, forty percent (40%) to sixty percent (60%) of the teacher's total compensation, under the Rewarding Excellence in Achievement plan shall include:

(1)(A) Achievement gains of students in each teacher's class on student scores under the statewide assessment program described in § 6-15-433.

(B) Locally selected and Department of Education-approved standardized assessment outcomes for students in each teacher's class may also be included;

(2) Achievement gains of students on a school-wide basis under the statewide assessment program described in § 6-15-433. Locally selected and Department of Education-approved standardized assessment outcomes may also be included; and

(3) The remaining percentage of the performance portion of compensation of the teacher's total compensation shall be based on an objective teacher evaluation program that includes:

(A) An individual objective teacher evaluation conducted by the school principal that is aligned with the comprehensive school improvement plan and professional development plan described in § 6-15-2607; and

(B) Peer objective evaluations using multiple criteria conducted by locally selected and periodically trained evaluators that understand teaching and learning and that include provisions for integrated ongoing site-based professional development activities to improve instructional skills and learning that are aligned with student needs under § 6-15-2009.

History. Acts 2007, No. 1029, § 1; 2009, No. 376, § 20.

Amendment. The 2009 amendment added “describe how” to the end of the

introductory language of (a); deleted “Describe how” from the beginning of (a)(1) through (8); and substituted “facilitate” for “facilitates” in (a)(2).

SUBCHAPTER 27 — CLOSING THE ACHIEVEMENT GAP PROGRAM

SECTION.

6-15-2701. Closing the achievement gap program.

6-15-2701. Closing the achievement gap program.

(a) As used in this section, “chronically underperforming school” means a public school that does not meet adequate yearly progress under the No Child Left Behind Act of 2001, 20 U.S.C. § 6301 et seq., as it existed on July 1, 2009, for three (3) or more consecutive years.

(b)(1) A school district that has a chronically underperforming school shall use its national school lunch state categorical funding under § 6-20-2305(b)(4) to evaluate the impact of educational strategies used by the chronically underperforming school to address the achievement gaps among students in the chronically underperforming school.

(2) The evaluation shall:

(A) Identify the categories of programs and intervention strategies used with national school lunch state categorical funding; and

(B) Report the benchmark assessment scores for the end of the immediately preceding school year and for the end of the current school year of students involved in the programs and intervention strategies identified under this subdivision (b)(2).

(c) The Department of Education shall:

(1) Promulgate rules necessary to implement this section, including without limitation establishing the categories by which a chronically underperforming school shall identify programs and intervention strategies under subsection (b) of this section;

(2) In a chronically underperforming school’s comprehensive school improvement plan, direct the use of national school lunch state categorical funding for strategies to close gaps in academic achievement, including without limitation:

(A) Using an Arkansas Scholastic Audit;

- (B) Using disaggregated school data to set academic improvement targets in reading, writing, mathematics, and science;
 - (C) Using improvement targets to define professional development needs related to content, instruction, differentiation, and best practices in educating special education students, gifted and talented students, English language learners, and other student subgroups as needed;
 - (D) Developing interim building-level assessments to monitor student progress toward proficiency on the state benchmark assessments;
 - (E) Developing a plan to immediately address gaps in learning;
 - (F) Examining and realigning, as needed, school scheduling, academic support systems, and assignments of personnel; and
 - (G) Designing a plan for increasing parental knowledge and skill to support academic objectives; and
- (3) By August 1 of each year, report to the House Committee on Education and the Senate Committee on Education on:
- (A) The use of national school lunch state categorical funding by chronically underperforming schools in the state; and
 - (B) The status of the achievement gaps at chronically underperforming schools in the state.
- (d) The department shall identify the chronically underperforming schools with the largest achievement gaps among students and give to those chronically underperforming schools the department’s highest priority for:
- (i) Monitoring school improvement plans; and
 - (ii) Providing support under this subchapter.

History. Acts 2009, No. 949, § 1.

SUBCHAPTER 28 — DISTRICT OF INNOVATION PROGRAM

| | |
|--|---------------------------------------|
| SECTION. | SECTION. |
| 6-15-2801. Definitions. | 6-15-2803. School of innovation plan. |
| 6-15-2802. School of innovation designation — Rules. | 6-15-2804. School of innovation. |

Effective Dates. Acts 2013, No. 601, § 2: Apr. 4, 2013. Emergency clause provided: “It is found and determined by the General Assembly of the State of Arkansas that all children in our state are entitled to an equal opportunity for an adequate education; that provisions of this act will help ensure that Arkansas students receive additional opportunities for educational success through a district of innovation program; and that this act is immediately necessary to ensure that the district of innovation program is estab-

lished for the 2013-2014 school year. Therefore, an emergency is declared to exist, and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on: (1) The date of its approval by the Governor; (2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or (3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto.”

6-15-2801. Definitions.

As used in this subchapter:

(1) "District of innovation" means a public school district with one (1) or more schools of innovation that has:

(A) Developed a school of innovation plan in compliance with § 6-15-2803;

(B) Obtained necessary exceptions from laws, rules, and local policies to improve the educational performance of students from the Commissioner of Education; and

(C) Been approved as a district of innovation by the commissioner;

(2) "Eligible employees" means the employees who are employed at a school that is considering being designated as a school of innovation;

(3) "Innovation" means a new or creative alternative to the existing instructional and administrative practices that is intended to improve academic performance and learning for all students;

(4)(A)(i) "School council of innovation" means a body of individuals from a current or aspiring school of innovation composed of teachers, classified employees, the building-level principal or his or her administrative designee, parents, community members, a minimum of two (2) students from the school of innovation, and other interested parties selected by the council to participate.

(ii) The teacher representatives shall be elected by a majority vote of the school's licensed eligible employees.

(iii) The classified representatives shall be elected by a majority vote of the school's classified eligible employees.

(iv)(a) The parent representatives shall be selected by a majority vote of the attendees at a meeting called for the purpose of selecting the school's parent representatives and shall have a child in the school to be eligible to serve on the council.

(b) Schools with a ten percent (10%) or greater minority student population shall have minority representation on the council.

(B) The school council of innovation shall:

(i) Generate innovative ideas and proposals of its own;

(ii) Determine a method for requesting innovative ideas and proposals from school employees, community members, and other stakeholders to be submitted to the council;

(iii) Receive innovative ideas and proposals from school employees, community members, and other stakeholders;

(iv) Consider all innovative ideas and proposals submitted by community members and other stakeholders; and

(v) Determine the content and format of the plan that will be voted on by the eligible employees.

(C) The council may create subcommittees, which may include non-council members, to work on developing portions of the plan; and

(5)(A) "School of innovation" means a school that participates in a district of innovation to transform and improve teaching and learning.

(B) A school of innovation's plan is subject to the exceptions approved by the commissioner for the school of innovation.

History. Acts 2013, No. 601, § 1.

6-15-2802. School of innovation designation — Rules.

(a) The Commissioner of Education may approve a public school as a school of innovation for the purpose of transforming and improving the teaching and learning under § 6-15-2803.

(b)(1) A school of innovation shall be approved for a period of four (4) years and may be renewed for four-year periods thereafter.

(2) The commissioner may revoke the school of innovation designation if a school fails to substantially fulfill the school's innovation plan, meet goals and performance targets, or comply with applicable laws or rules.

(c) The State Board of Education shall adopt rules to administer this subchapter, including without limitation rules that address the:

(1) Rules subject to exemption or modification for a school of innovation plan if approved by the commissioner;

(2) Application, school of innovation plan review, approval, and amendment process for a public school district to establish a school of innovation;

(3) Timeline for initial approval of a school of innovation and subsequent renewal, including any ongoing evaluations of a school of innovation;

(4) Documentation required to show meaningful parental, educator, and community engagement and capacity for the changes identified in the school of innovation plan;

(5) Approval by the eligible employees of a school of innovation;

(6) Evidence of teacher collaboration and shared leadership responsibility within each school seeking to become a school of innovation;

(7) Process for revocation of a designation as a district of innovation or school of innovation;

(8) Reporting and oversight responsibility of the school of innovation and the Department of Education;

(9) Budget and financial details of the school of innovation; and

(10) Other information necessary as determined by the state board.

History. Acts 2013, No. 601, § 1.

6-15-2803. School of innovation plan.

(a) A school district shall submit its school of innovation plan, approved by the school board of directors, to the Commissioner of Education for approval to become a school of innovation.

(b) A school of innovation plan shall address without limitation:

(1) The goals and performance targets for the school of innovation, which may include:

(A) Reducing the achievement gap among one (1) or more groups of students by accelerating learning experiences for academically low-achieving students while increasing all student learning through the implementation of highly rigorous standards for student performance;

(B) Increasing student participation in curriculum options;

(C) Exploring new avenues for expanding students' college and career readiness;

(D) Motivating students by exploring innovative teaching and learning choices; and

(E) Transforming a school's culture and climate in a manner that will lead to transformative teaching and learning;

(2) Changes needed in the school that will lead to better prepared students for success in life and career; and

(3) Innovative practices to be used in the school of innovation.

(c) Schools of innovation shall document the:

(1) Parental, school employee, and community engagement;

(2) Capacity for the proposed school of innovation;

(3) Rationale for law, rule, and local policy exception requests;

(4) Progress toward goals and performance targets; and

(5) Other information requested by the commissioner.

History. Acts 2013, No. 601, § 1.

6-15-2804. School of innovation.

(a) A school that is designated a school of innovation shall:

(1) Ensure that the same health, safety, civil rights, and disability rights requirements are in place as those that apply to all other public schools;

(2) Ensure that the high school curriculum offered meets or exceeds the minimum high school graduation requirements adopted by the State Board of Education;

(3) Adhere to financial audits, audit procedures, and audit requirements adopted by the state board for public school districts;

(4) Require criminal background checks for school employees and volunteers as required by law for public school districts;

(5) Comply with open records and open meeting requirements;

(6) Comply with purchasing limitations and requirements;

(7)(A) Provide instructional time that meets or exceeds the instructional time requirement adopted by the state board unless granted an exception by the Commissioner of Education.

(B) Instructional time may include on-site instruction, distance or virtual learning, and work-based learning on nontraditional school days or hours;

(8) Provide data requested by the Department of Education to generate reports; and

(9) Adhere to The Teacher Fair Dismissal Act of 1983, § 6-17-1501 et seq.

(b)(1) Before a public school district submits a school of innovation plan to the commissioner, the eligible employees of each proposed school of innovation shall vote on whether the school shall be designated a school of innovation.

(2) A minimum of sixty percent (60%) of the eligible employees voting in support of the school's designation as a school of innovation is required before the school's innovation plan may be submitted to the school board of directors for approval.

(3) The school council of innovation shall be responsible for conducting the vote required under subdivision (b)(1) of this section.

(c) A school of innovation plan may request exemptions from local policies and specific laws and rules approved for exemption or modification by the state board except The Teacher Fair Dismissal Act of 1983, § 6-17-1501 et seq.

(d) A public school district with a negotiated employment contract in place shall follow the procedure set forth within the contract that allows the implementation of a school of innovation.

History. Acts 2013, No. 601, § 1.

CHAPTER 16

CURRICULUM

SUBCHAPTER.

1. GENERAL PROVISIONS.
3. EARLY CHILDHOOD AND ADULT EDUCATION ACT.
4. COMPUTER TECHNOLOGY.
5. DRIVER EDUCATION AND TRAINING.
6. POSTSECONDARY PREPARATORY PROGRAMS.
7. OPTIONAL SUMMER SCHOOL PROGRAMS.
12. ADVANCED PLACEMENT AND ENDORSED CONCURRENT ENROLLMENT.
14. DIGITAL LEARNING.

SUBCHAPTER 1 — GENERAL PROVISIONS

SECTION.

- 6-16-102. School day.
- 6-16-103. Course of study generally.
- 6-16-118. General Educational Development testing for adults — Fees.
- 6-16-127. Arkansas Foreign Language Teacher Training Program.
- 6-16-130. Visual art or music.
- 6-16-132. Physical education.
- 6-16-137. Physical education credit for physical activity courses.
- 6-16-140. Vocational or technical course awards.

SECTION.

- 6-16-141. Credit for participating in Junior Reserve Officer Training Corps.
- 6-16-142. American Sign Language as modern language or foreign language.
- 6-16-143. Cardiopulmonary resuscitation instruction.
- 6-16-144. Arts-Enriched Curriculum Program.
- 6-16-145. Academic study of the Bible course.

6-16-102. School day.

(a)(1) As used in this section, “school day” shall mean a day in which classes are in session and students receive at least six (6) hours of instructional time.

(2) Any day in which less than six (6) hours of instructional time are provided to students shall be counted as one-half (½) of a school day if at least three (3) hours of instructional time are provided to students.

(3) Any day in which less than three (3) hours of instructional time are provided to students shall not be counted as any part of a school day.

(4) A school district may include as part of the school day the travel time between public schools or other educational programs of those students attending classes or programs authorized by law.

(b) Notwithstanding subsection (a) of this section, the State Board of Education shall promulgate regulations to prescribe the credit to be given students for attending school for only a portion of a school day because the school is closed due to emergency circumstances which would be hazardous to the health of the students. The state board shall also identify the emergency circumstances.

(c) A school district is deemed to have fulfilled the requirements of subsection (a) of this section if the planned instructional time in each school day does not average less than six (6) hours each day or thirty (30) hours each week.

History. Acts 1983 (Ex. Sess.), No. 45, § 1; 1985, No. 1015, § 1; A.S.A. 1947, § 80-1602; Acts 1999, No. 391, § 5; 2005, No. 2151, § 15; 2011, No. 989, § 22.

Amendments. The 2011 amendment added (c).

6-16-103. Course of study generally.

(a) There shall be taught in all of the public or elementary schools of this state subjects that may be designated by the State Board of Education or as required by law.

(b) Nothing in this section shall be construed to prohibit the inclusion of additional subjects in the state course of study or in any course formulated for a school district and approved by the state board.

History. Acts 1931, No. 169, § 167; Pope’s Dig., § 11609; A.S.A. 1947, § 80-1601; Acts 2003, No. 1759, § 1; 2013, No. 128, § 1.

Amendments. The 2013 amendment substituted “state subjects that” for “state such subjects as” in (a); and deleted (c).

**6-16-118. General Educational Development testing for adults
— Fees.**

(a) As used in this section, “general educational development test” means the General Education Development (GED) test of the GED Testing Service.

(b) The general educational development test for adults shall be administered by the educational agencies and institutions approved by the Department of Career Education.

(c) The State Board of Career Education may approve fees for:

- (1) Administering the general educational development test;
- (2) Administering other assessments; and
- (3) Photocopying or duplicating a transcript or diploma.

(d) The board shall promulgate rules to implement this section.

History. Acts 1981, No. 732, § 4; A.S.A. 1947, § 80-1671; Acts 1993, No. 294, § 10; 1993, No. 1079, § 1; 1999, No. 1078, § 56; 2013, No. 1063, § 1.

Amendments. The 2013 amendment added "Fees" in the section heading; added present (a); redesignated former (a) and (b) as present (b) and (c); in (b),

substituted "Department of Career Education" for "Department of Workforce Education and the American Council on Education" and "The general educational development test" for "General Educational Development tests"; rewrote (c); and added (d).

6-16-124. Arkansas history — Required social studies course.

A.C.R.C. Notes. Acts 2009, No. 1462, §§ 1, 2 provided: "SECTION 1. (a) There is created the Arkansas Legislative Task Force on Arkansas History Education.

"(b) The task force shall consist of the following members:

"(1) The Commissioner of Education or his or her designee;

"(2) One (1) member of the Senate appointed by the President Pro Tempore of the Senate;

"(3) One (1) member of the House of Representatives appointed by the Speaker of the House of Representatives;

"(4) Two (2) members at large appointed by the Governor;

"(5) Two (2) parents of children enrolled in the public school system appointed by the Governor;

"(6) Two (2) school administrators selected by the Arkansas Association of School Administrators;

"(7) Two (2) teachers of Arkansas history selected by the Arkansas Council for the Social Studies;

"(8) Two (2) members appointed by the Executive Director of the Arkansas Educational Television Network;

"(9) Two (2) members appointed by the Arkansas State Historian;

"(10) Two (2) members appointed by the President of the Arkansas History Education Coalition;

"(11) Two (2) members appointed by the President of the Arkansas Historical Association;

"(12) Two (2) members appointed by the Director of the Department of Arkansas Heritage; and

"(13) Two (2) members appointed by the Director of the Department of Parks and Tourism.

"(c)(1) The member of the House of Representatives and the member of the Senate appointed to the task force under subsection (b) of this section shall serve as cochair of the task force.

"(2) Meetings of the task force shall be held at least one (1) time every three (3) months but may occur more often at the call of the cochair or by petition by a majority of the members.

"(3) The task force may solicit, accept, and expend gifts and grants.

"(d) If a vacancy occurs on the task force, the vacancy shall be filled by the same process as the original appointment.

"(e) The task force shall establish rules and procedures for conducting business.

"(f) Legislative members of the task force shall be entitled to receive reimbursement for expenses and per diem at the same rate and from the same source as provided by law for members of the General Assembly attending meetings of interim committees.

"(g) A majority of the members of the task force shall constitute a quorum for transacting any business of the task force.

"(h) The Bureau of Legislative Research shall provide staff for the task force.

“(i) The task force shall be abolished on June 1, 2011.”

“SECTION 2. “(a) The Arkansas Legislative Task Force on Arkansas History Education shall:

(1) Assess the status of Arkansas history education in public schools;

“(2) Compile information on the need for and availability of instructional materials for Arkansas history classes;

“(3) Investigate ways state agencies, museums, libraries, professional groups, and other interested parties can contribute to Arkansas history education;

“(4) Review Arkansas history preparation programs for elementary and secondary teachers;

“(5) Identify means for recognizing outstanding teachers of Arkansas history;

“(6) Investigate ways Arkansas history can be used to reinforce instruction in other subject areas; and

“(7) Develop a set of written recommendations for the General Assembly that will improve the Arkansas history curriculum taught in public schools.

“(b) The taskforce shall submit two (2) reports to the House Committee on Education and the Senate Committee on Education consisting of a:

“(1) Status report not later than June 1, 2010; and

“(2) Final report not later than May 1, 2011.”

6-16-127. Arkansas Foreign Language Teacher Training Program.

(a) This section and § 6-16-128 shall be known as “The Arkansas Foreign Language Act of 1999”.

(b) There is hereby created the Arkansas Foreign Language Teacher Training Program. The purpose of this program is to:

(1) Encourage undergraduate students who intend to teach in the state’s public schools to pursue a foreign language degree;

(2) Encourage currently licensed foreign language teachers to pursue additional training or an advanced degree in a foreign language;

(3) Encourage licensed personnel to add foreign language to their areas of licensure; and

(4) Encourage individuals to seek licensure as a foreign language teacher in grades kindergarten through eight (K-8).

(c) The Department of Higher Education, in consultation with the Department of Education and representatives of the state’s foreign language educators, shall develop a request-for-proposals process whereby Arkansas institutions of higher education with teacher training programs may apply for funding, not to exceed three (3) years, to enhance their foreign language teacher training program.

(d)(1) The awards granted under the provisions of this section and § 6-16-128 may be funded by donations, grants, or legislative appropriation.

(2) All donations, grants, and appropriations received shall be accounted for by the Department of Higher Education.

(3) The Director of the Department of Higher Education may solicit and receive donations and grants for the purpose of making awards.

(4) The provisions of this section and § 6-16-128 shall be contingent on the appropriation and funding necessary to allow the Department of Higher Education to carry out the duties assigned it in this section and § 6-16-128.

History. Acts 1999, No. 1573, §§ 1, 2; substituted “licensed” for “certified” or 2013, No. 1138, § 23. similar language in (b)(2) through (b)(4).

Amendments. The 2013 amendment

6-16-130. Visual art or music.

(a)(1) By no later than June 1, 2002, every public elementary school in the state shall provide instruction in visual art or music based on the state visual art and music frameworks for a period of not less than forty (40) minutes each calendar week of the school year.

(2)(A) Every student in grades one through six (1-6) shall be allowed to participate in the visual art or music class required in this subsection.

(B) Children with disabilities or other special needs shall be included in the visual art and music programs.

(3) Prior to June 1, 2005, the instruction required by this subsection may be provided by a volunteer or by a licensed teacher.

(4) The Department of Education shall provide a stipend of not less than one hundred dollars (\$100) per class to each school for the purchase of necessary supplies or equipment for the classes required by this subsection.

(b)(1) By no later than June 1, 2005, every public elementary school in the state shall provide instruction for no less than forty (40) minutes in visual art and no less than forty (40) minutes in music based on the state visual art and music frameworks each calendar week of the school year or an equivalent amount of time in each school year.

(2)(A) Every student in grades one through six (1-6) shall participate in the visual art and music class required in this subsection.

(B) Children with disabilities or other special needs shall be included in the visual art and music programs.

(3) The instruction required by subdivision (b)(1) of this section shall be provided by a teacher licensed to teach art or music, as applicable.

(4)(A) The department shall provide a stipend of not less than one hundred dollars (\$100) per class to each school for the purchase of necessary supplies or equipment for the classes required by this subsection.

(B) Subdivision (b)(4)(A) of this section shall be contingent on the appropriation and availability of funding for that purpose.

(c) A student enrolled in grade seven (7) or grade eight (8) shall participate in:

(1) Visual arts instruction, appreciation, and application; or

(2) Performing arts instruction, appreciation, and application.

History. Acts 2001, No. 1506, § 1; The 2013 amendment by No. 1138 substituted “licensed” for “certified” in (a)(3); 2005, No. 245, § 1; 2013, No. 599, § 1; and substituted “teacher licensed” for “li- 2013, No. 1138, §§ 24, 25. censed teacher certified” in (b)(3).

Amendments. The 2013 amendment by No. 599 added (c).

6-16-132. Physical education.

(a) The General Assembly finds that:

(1) Research has shown that active children become active adults;

(2) Children who engage in physical education at school are twice as likely to engage in physical activity outside of school;

(3) Research has shown that physical exercise contributes to maximizing brain function by increasing cerebral blood flow and levels of brain cell growth hormone; and

(4) Research has shown that physical exercise decreases the incidence of clinical depression, even for persons diagnosed with cancer.

(b)(1)(A) The physical education curriculum and physical activity requirements for every public school student who is physically fit and able to participate are:

(i) Except as provided in subdivision (b)(1)(A)(ii) of this section, for students in kindergarten through grade six (K-6):

(a) Sixty (60) minutes of physical education training and instruction each calendar week of the school year; and

(b) Ninety (90) minutes of physical activity each calendar week of the school year, which may include without limitation daily recess, physical education instruction in addition to the requirement of subdivision (b)(1)(A)(i)(a) of this section, or intramural sports;

(ii) For students in grades five through eight (5-8) who attend a public school organized to teach grades five through eight (5-8), or any combination thereof, sixty (60) minutes of physical education training and instruction each calendar week of the school year or an equivalent amount of time in each school year, with no additional requirement for physical activity; and

(iii) For students in grades nine through twelve (9-12), one-half ($\frac{1}{2}$) unit of physical education as required for high school graduation, with no additional requirement for physical activity.

(B) Nothing in subdivision (b)(1)(A) of this section prohibits:

(i) A public school student's elective enrollment or voluntary participation in physical activity or physical education as a part of public school curriculum or extra-curricular activities; or

(ii) A school district's decision to require physical education instruction or physical activity in excess of the amounts identified in subdivision (b)(1)(A) of this section.

(2) The physical education training and instruction shall be designed to:

(A) Improve the health of this state's school children;

(B) Increase knowledge about the health benefits of physical activity and exercise;

(C) Develop behavioral and motor skills that promote a lifelong commitment to healthy physical activity;

(D) Promote health-focused physical activity among children and adolescents; and

(E) Encourage physical activity outside of physical education.

(3) Suitable modified courses shall be provided for students physically or mentally unable or unfit to take the course or courses prescribed for other pupils.

(4)(A) A student may be exempted from physical education and physical activity requirements by seeking a waiver from the local school board of directors.

(B) The local school board of directors may grant such a waiver based on the following criteria:

(i) The student must present a statement by the student's attending physician indicating that participation in physical education and physical activity will jeopardize the student's health and well-being; or

(ii)(a) The parent and student must show that attending physical education classes will violate the student's religious beliefs and would not be merely a matter of personal objection.

(b) The parent or student must be members of a recognized religious faith that objects to physical education as part of its official doctrine or creed.

(c) The local school board of directors shall encourage a student granted a waiver under subdivision (b)(4) of this section to take, as an alternative to physical education, appropriate instruction in health education or other instruction in lifestyle modification if an exemption is granted pursuant to this section.

(d) Each school shall develop a physical education program that fits effectively and efficiently into the school's existing organization while incorporating the goals of this section.

(e) Nothing in this section shall be construed to require any school or school district to hire personnel licensed in physical education.

(f) The State Board of Education shall submit to the interim House Committee on Education and the interim Senate Committee on Education for the committees' review any proposed rules regarding physical education or physical activity standards for grades kindergarten through twelve (K-12) developed pursuant to this section that exceed the maximums identified in subdivision (b)(1) of this section.

History. Acts 2001, No. 1748, §§ 1, 2; 2003, No. 1729, § 1; 2007, No. 317, §§ 1, 2; 2007, No. 1573, § 54; 2013, No. 1138, § 26.

Amendments. The 2013 amendment substituted "licensed" for "certified" in (e).

6-16-137. Physical education credit for physical activity courses.

(a) For the purposes of this section:

(1) "Content standards" means those curriculum course content standards identified and set out in the Department of Education curriculum frameworks;

(2) "Curriculum frameworks" means those content-specific requirements identified and mandated pursuant to §§ 6-15-1501 [repealed]

and 6-15-1502 et seq. and the Standards for Accreditation of Arkansas Public Schools and School Districts;

(3) "Organized physical activity course" means a school course that:

(A) Is taught by an instructor who is licensed or qualified in physical education pursuant to the rules of the State Board of Education; and

(B) Involves body movement produced by skeletal muscles resulting in energy expenditures through organized group or class activities; and

(4) "Statement of assurance" means a written statement to be filed by the superintendent or chief academic officer with the Department of Education by October 1 of each school year that ensures that the organized physical activity course is in compliance with the physical education course content standards and curriculum frameworks as required pursuant to § 6-15-1505 and subdivision (b)(2) of this section.

(b) Beginning in the 2005-2006 school year, a student in grades nine through twelve (9-12) participating in and successfully completing an organized physical activity course in his or her school shall be eligible to receive one-half ($\frac{1}{2}$) unit of physical education credit required for graduation if:

(1) The organized physical activity course is aligned to the department's physical education course content standards and curriculum frameworks; and

(2) The organized physical activity course is verified by the superintendent of the school district or the chief administrative officer of an open-enrollment charter school who files a written statement of assurance with the department by October 1 of the school year as required under § 6-15-1505 stating that:

(A) The instructor of the organized physical activity course is licensed or qualified in physical education pursuant to the rules of the state board;

(B) The organized physical activity course is aligned to the department's physical education course content standards and curriculum frameworks; and

(C) The organized physical activity course is subject to the provisions of § 6-18-501 et seq.

(c) A student is limited to only the one-half ($\frac{1}{2}$) unit of physical education credit for graduation for the organized physical activity course, and the student shall not be allowed any other credit toward graduation for that same course.

(d) A student must complete the entire semester and pass the physical activity course to receive the one-half ($\frac{1}{2}$) unit of physical education credit required for graduation.

(e) The organized physical activity course shall take place during the regular school day to qualify for physical education credit, except for those organized physical activity courses outside the regular school day that are listed on the school district's master schedule.

(f)(1) If it is determined by the department that any organized physical activity course allowed to be used for physical education credit

by a student does not meet the department's physical education course content standards and curriculum frameworks, as required under this section, the school district or open-enrollment charter school may be cited or placed in probationary violation of the Standards for Accreditation of Arkansas Public Schools and School Districts under The Quality Education Act of 2003, § 6-15-201 et seq.

(2) If it is determined by the department that a superintendent or chief academic officer or any other licensed personnel have knowingly provided false or misleading information in the statement of assurance required under this section, the state board may take appropriate action on the license of that individual pursuant to § 6-17-410.

(g) The department is authorized to monitor, review documentation, request information, or require additional reports from public schools, school districts, open-enrollment charter schools, or school personnel to enforce compliance with the requirements of this section.

(h) Notwithstanding the provisions of this section, it is recognized that organized physical activity courses as set forth under subsection (b) of this section are not a requirement for an adequate education and shall not be considered a core academic requirement of the State of Arkansas or of public school districts.

(i) The state board may promulgate rules necessary to implement this section.

History. Acts 2005, No. 660, § 1; 2013, substituted "licensed" for "certified" in No. 1138, § 27.

Amendments. The 2013 amendment

6-16-140. Vocational or technical course awards.

(a) A student who successfully completes an approved vocational or technical career pathway or program of study at a public high school shall be awarded a certificate of attainment that shall be:

(1) Aligned in the appropriate career pathway or program of study; and

(2) Used for consideration of acceptance and advanced placement into an apprenticeship training program.

(b) The Department of Career Education in cooperation with the Department of Education shall determine and issue the appropriate award to a student upon successful completion of the vocational or technical career pathway or program of study.

(c) The Department of Career Education is authorized to promulgate rules as necessary for the implementation of this section.

History. Acts 2009, No. 1376, § 1.

6-16-141. Credit for participating in Junior Reserve Officer Training Corps.

A student who completes two (2) semesters of a Junior Reserve Officer Training Corps program shall receive credit for both of the

following requirements for graduation from high school under the rules of the State Board of Education:

- (1) One-half ($\frac{1}{2}$) unit of physical education; and
- (2) One-half ($\frac{1}{2}$) unit of health and safety education.

History. Acts 2011, No. 1231, § 1.

6-16-142. American Sign Language as modern language or foreign language.

(a) As used in this section, “American Sign Language” means the visual natural language recognized globally that is linguistically complete with unique rules for language structure and use, including without limitation phonology, morphology, syntax, semantics, and discourse.

(b)(1) American Sign Language may be taught in the public schools of the state as a modern language or foreign language.

(2) An American Sign Language course shall:

(A) Adhere to standards of rigor and proficiency consistent with content standards and curriculum frameworks for foreign language courses developed by the State Board of Education; and

(B) Receive academic credit equal to other foreign language courses.

(c) The state board shall promulgate rules for the licensure and curriculum requirements necessary to implement this section.

History. Acts 2013, No. 328, § 1.

6-16-143. Cardiopulmonary resuscitation instruction.

(a) Beginning with the 2014-2015 school year, a public school student in grades nine through twelve (9-12) shall be trained in quality psychomotor skill bases in cardiopulmonary resuscitation before the student graduates from high school.

(b) The course shall not be a certification process but shall follow the standards established by the American Heart Association, the American Red Cross, or another nationally recognized organization that uses current, evidence-based emergency cardiac care guidelines and incorporates psychomotor skill development in the instruction and the use of automated external defibrillators.

History. Acts 2013, No. 1016, § 1.

6-16-144. Arts-Enriched Curriculum Program.

(a) The General Assembly finds that:

(1) Integration of the arts is an effective tool to reinforce the rigor and relevance specific to the newly adopted Common Core State Standards;

(2) Research indicates that:

(A) An arts-infused curriculum offers a powerful tool to promote student academic achievement and personal growth by motivating students who may be disaffected from the learning process; and

(B) Academic disciplines such as reading, writing, languages, social studies, science, and math are reinforced through an arts-infused curriculum;

(3) The value of infusing the arts into the core curriculum of the public schools has been supported and advanced in some Arkansas schools and in several other states; and

(4) A program that provides for the development of arts-infused pilot schools can serve an important public policy function by determining if the strategies used by the pilot schools are effective and can be successfully replicated in public schools throughout the state to enhance overall student performance.

(b) There is established the Arts-Enriched Curriculum Program, a five-year pilot program funded through grants administered by the Department of Education to implement an arts-enriched curriculum, training, and research at fifteen (15) schools over the five-year period.

(c) The goals of the pilot program are, without limitation, to:

(1) Prepare students for educational achievement by developing imagination, reasoning, judgment, and the critical thinking skills necessary for problem-solving and decision-making through:

(A) An arts-enriched curriculum based on Common Core State Standards that is infused daily with drama, dance, visual art, and writing;

(B) Interdisciplinary thematic units and cross-curricular integration;

(C) Experiential learning;

(D) Teaching methods that incorporate multiple learning pathways; and

(E) Ongoing enriched assessments that include learning, reflection, and self-assessment; and

(2) Improve the climate and infrastructure of the school through:

(A) Professional development training;

(B) Collaboration among leaders and teachers in the school; and

(C) Research and evaluation of the implementation of the program in the school.

(d)(1) A school may apply to participate in the pilot program if:

(A) The school is a public elementary or secondary school; and

(B) The principal and at least eighty-five percent (85%) of the teachers agree to participate.

(2) A school shall be selected for the program based on:

(A) Need and commitment of a school's faculty and staff;

(B) The size of the student body and its demographic and geographic diversity; and

(C) Available funding.

(e)(1) Pilot schools shall participate on the following schedule of professional development training:

(A) Five (5) schools shall begin three (3) years of training in the 2014-2015 school year;

(B) An additional five (5) schools shall begin three (3) years of training in the 2015-2016 school year; and

(C) An additional five (5) schools shall begin three (3) years of training in the 2016-2017 school year.

(2) For the three (3) years that a school participates, the principal and faculty at the school shall receive professional development training for integrating the arts as a medium to teach the concepts under the Common Core State Standards as follows:

(A) In the first year of participation, training shall be provided for seven (7) days, with monthly follow-up;

(B) In the second year of participation, training shall be provided for five (5) days, with monthly follow-up; and

(C) In the third year of participation, training shall be provided for four (4) days, with monthly follow-up.

(f)(1) The grant recipient shall evaluate the effectiveness of the pilot program in each participating school by measuring:

(A) Student academic achievement;

(B) Increased student engagement;

(C) Disciplinary referral trends; and

(D) Increased student interest in school and attendance trends.

(2) The grant recipient shall provide access to the research and data to the:

(A) House Committee on Education and Senate Committee on Education through the Bureau of Legislative Research; and

(B) Department of Education.

(3)(A) By September 1, 2020, the grant recipient shall prepare and provide a written report on the research from the pilot program to the House Committee on Education and Senate Committee on Education.

(B) The House Committee on Education or the Senate Committee on Education may request one (1) or more interim reports on the progress of the pilot program.

History. Acts 2013, No. 1108, § 1.

6-16-145. Academic study of the Bible course.

(a)(1) The State Board of Education shall allow for an elective academic study of the Bible course or courses that consist of a nonsectarian, nonreligious academic study of the Bible and its influence on literature, art, music, culture, and politics to be offered to students in public school districts if the academic study of the Bible course meets the standards listed in this section.

(2) The curriculum standards submitted by a public school district for approval of an academic study of the Bible course shall meet the:

(A) Academic rigor and curriculum standards of other elective courses approved by the state board; and

(B) Requirements of the Arkansas Constitution and the United States Constitution.

(b)(1) A public school district that elects to offer an academic study of the Bible course shall implement the course in accordance with the Arkansas Constitution and the United States Constitution, including the manner in which the course is taught in the classroom and the assignment of school district personnel teaching the course.

(2) Personnel assigned to teach the course shall be licensed to teach in the State of Arkansas.

(3) Personnel shall not be assigned to teach the course based on any:

(A) Religious test;

(B) Profession of faith or lack of faith;

(C) Prior or present religious affiliation or lack of affiliation; or

(D) Criteria involving particular beliefs or lack of beliefs about the Bible.

(c) An academic study of the Bible course offered by a public school district shall:

(1) Be taught in an objective and nondevotional manner with no attempt made to indoctrinate students as to either the truth or falsity of the biblical materials or texts from other religious or cultural traditions;

(2) Not include teaching of religious doctrine or sectarian interpretation of the Bible or of texts from other religious or cultural traditions; and

(3) Not disparage or encourage a commitment to a set of religious beliefs.

(d) A public school district that elects to offer an academic study of the Bible course shall use only the standards in this section to:

(1) Evaluate textbooks for an academic study of the Bible course; and

(2) Teach an academic study of the Bible course.

History. Acts 2013, No. 1440, § 1.

A.C.R.C. Notes. Acts 2013, No. 1040 § 2, provided:

“(a) The State Board of Education shall apply the existing adopted rules governing elective course offerings and permitting a school district to adopt and teach

elective courses to a school district that chooses to adopt and teach an academic study of the Bible course as an elective course.

“(b) This act does not require the state board to adopt new rules, standards, or curriculum frameworks.”

SUBCHAPTER 3 — EARLY CHILDHOOD AND ADULT EDUCATION ACT

SECTION.

6-16-305. Funds for research and demonstration centers — Consultative services.

6-16-306. Vocational-technical high schools.

SECTION.

6-16-313. Early childhood and kindergarten programs — Minimum standards.

6-16-305. Funds for research and demonstration centers — Consultative services.

(a) Irrespective of any language in this subchapter, nothing prohibits the General Assembly from providing funds to establish centers for research or demonstration purposes in order to provide state-level leadership in early childhood education.

(b) In such instances, however, the funds shall be appropriated for the use of the State Board of Education and shall be subject to cooperative agreements in writing between the Department of Education and the sponsoring teacher training institutions or school districts.

(c) Available funds may be used by the department for the purpose of securing consultative services.

(d)(1) In that eventuality, the department shall certify that the expenditures are reasonable and are within customary amounts paid for the services.

(2) An annual report of the expenditures shall be filed with the Department of Finance and Administration, the Legislative Council, and the Legislative Joint Auditing Committee.

(e) Moreover, full-time state employees shall not be reimbursed for consultative services but may be reimbursed for expenses incurred in participating in these programs in instances where their services have been authorized by the Commissioner of Education or the Director of the Department of Career Education.

History. Acts 1969, No. 63, § 8; A.S.A. substituted "State Board of Education" for 1947, § 80-1651; Acts 2009, No. 376, § 21. "board" in (b); and made minor stylistic
Amendments. The 2009 amendment changes in (a) and (b).

6-16-306. Vocational-technical high schools.

(a) Nothing in this subchapter shall be construed as prohibiting a school district from operating a designated, approved area vocational-technical high school in keeping with federal or state legislation and State Board of Career Education regulations pertaining thereto.

(b) Enrollments in area vocational-technical high schools include domiciliary residents and residents from outside the school district.

(c) Enrollments in such institutions may include students twenty-one (21) years of age or younger and students twenty-one (21) years of age or older.

(d) The provision found in § 6-16-308 prohibiting students who have attained the age of twenty-one (21) from attending the public schools from kindergarten through grade twelve (K-12) shall not be applicable with reference to the area vocational-technical high school.

History. Acts 1969, No. 63, § 12; A.S.A. **Amendments.** The 2009 amendment 1947, § 80-1655; Acts 2009, No. 376, § 22. made minor stylistic changes in (c).

6-16-313. Early childhood and kindergarten programs — Minimum standards.

(a) The State Board of Education shall promulgate and adopt such rules and regulations as it deems appropriate providing minimum standards, including program standards and teacher licensure standards, for the conduct of public school kindergarten programs.

(b) Program standards shall include, but shall not necessarily be restricted to, facilities, staffing, articulation with the elementary program other than the kindergarten, and finance.

(c) Parental participation in program planning, development, and evaluation shall be encouraged.

History. Acts 1969, No. 63, § 9; A.S.A. 1947, § 80-1652; Acts 1997, No. 1132, § 35; 2013, No. 1138, § 28.

Amendments. The 2013 amendment substituted “licensure” for “certification” in (a).

SUBCHAPTER 4 — COMPUTER TECHNOLOGY

SECTION.

6-16-401, 6-16-402. [Repealed.]

6-16-409. [Repealed.]

6-16-401, 6-16-402. [Repealed.]

Publisher’s Notes. These sections, concerning the legislative intent to use computer technology in schools and for the State Board of Education to be successor to the Commission on Improving Public Schools’ Basic Skills Opportunities Through Technology, were repealed by

Acts 2013, No. 581, § 7. The sections were derived from the following sources:

6-16-401. Acts 1983, No. 528, § 1; A.S.A. 1947, § 80-1672.

6-16-402. Acts 1983, No. 528, § 2; A.S.A. 1947, § 80-1672.1; Acts 1999, No. 148, § 1.

6-16-409. [Repealed.]

Publisher’s Notes. This section, concerning the Advisory Committee on Educational Access to Technology, was re-

pealed by Acts 2009, No. 376, § 23. The section was derived from Acts 2003, No. 1081, § 1.

SUBCHAPTER 5 — DRIVER EDUCATION AND TRAINING

SECTION.

6-16-507. [Repealed.]

6-16-507. [Repealed.]

Publisher’s Notes. This section, concerning removal of vehicle involved in accident, was repealed by Acts 2013, No.

1073, § 18. The section was derived from Acts 1987, No. 598, § 2.

SUBCHAPTER 6 — POSTSECONDARY PREPARATORY PROGRAMS

SECTION.

6-16-601. Authority.

6-16-602. Programs generally.

6-16-603. Local programs mandated —
Placement test.

SECTION.

6-16-604. Student enrollment.

6-16-605. Testing — Acceptance of test
scores.

6-16-606. Elective credit.

A.C.R.C. Notes. Acts 2013, No. 1081, § 22, provided: “Any new assessment required by this act to be implemented by the State Board of Education shall be implemented no later than the 2014-2015 school year or, if the state board determines delay is necessary to ensure proper alignment with curriculum and other assessments, no later than the 2015-2016 school year.”

Effective Dates. Acts 2009, No. 1469, § 32: Apr. 10, 2009. Emergency clause provided: “It is found and determined by the General Assembly of the State of Arkansas that it is the state’s constitutional obligation to provide a general, suitable, and efficient free system of public schools in the state; that the public school funding distribution changes in this act are needed to ensure that proper funding is provided to the affected public schools and school districts; and that this act is immediately necessary so that the affected public schools and school districts will receive the amount of funding for the current school year. Therefore, an emergency is declared to exist and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on: (1) The date of its approval by the Governor; (2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the

bill; or (3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto.”

Acts 2011, No. 879, § 4[3]: Mar. 31, 2011. Emergency clause provided: “It is found and determined by the General Assembly of the State of Arkansas that preparing public school students for college and career readiness is a high priority of the state’s educational and economic development systems; that the substantial cost to remediate high school students at the postsecondary level will be reduced by increasing access to postsecondary preparatory programs for public school students in grades eight through eleven (8-11) who are identified as scoring below college readiness benchmarks; and that this act is immediately necessary so that the Department of Education may approve applications and distribute funding for the expanded postsecondary preparatory programs for the current school year. Therefore, an emergency is declared to exist, and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on: (1) The date of its approval by the Governor; (2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or (3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto.”

6-16-601. Authority.

(a) As used in this section:

(1) “College and career readiness assessment” means a set of criterion-referenced measurements of a student’s acquisition of the knowledge and skills the student needs to be successful in future endeavors, including:

(A) Successfully completing credit-bearing, first-year courses at a postsecondary institution; and

(B) Embarking on a chosen career;

(2)(A) "College and career readiness benchmark" means the minimum score on a college and career readiness assessment in mathematics or English language arts.

(B) College and career readiness benchmarks are determined by the Arkansas Higher Education Coordinating Board and the State Board of Education;

(3) "Eligible student" means a public school student in Arkansas who:

(A) Is enrolled in any of grades eight through eleven (8-11);

(B) Is identified through a college and career readiness assessment as scoring below the college readiness benchmark in mathematics or English language arts;

(C) Has received the counseling required under § 6-16-602; and

(D) Desires to enroll in postsecondary education;

(4) "Placement test" means a test for entrance to postsecondary education that is either:

(A) Approved by the State Board of Education; or

(B) Designated by the Department of Higher Education; and

(5) "Postsecondary preparatory program" means an intensive program approved under this subchapter that is focused on preparing students for entry level postsecondary work in the areas of mathematics, English, and reading based on identified needs for college enrollment and placement.

(b)(1) The State Board of Education shall promulgate rules under which the following may operate postsecondary preparatory programs in Arkansas:

(A) School districts;

(B) Institutions of higher education; or

(C) A partnership of a school district and an institution of higher education.

(2) The rules shall include without limitation:

(A) The number and location of sites for postsecondary preparatory programs, if necessary;

(B) The minimum and maximum class sizes for postsecondary preparatory programs;

(C) That a school district may use national school lunch student categorical funding received under § 6-20-2305 to operate and support a postsecondary preparatory program; and

(D) The forms and procedures necessary to implement this subchapter.

(c) The Department of Education shall:

(1) Approve content guides for postsecondary preparatory programs with assistance from the Department of Higher Education; and

(2)(A) Approve or disapprove the annual application of a postsecondary preparatory program after:

(i) Reviewing evidence of the postsecondary preparatory program's performance and success; and

(ii) Giving priority for approval and funding to a postsecondary preparatory program operated by a partnership between a school district and an institution of higher education.

(B) The Department of Education shall not approve an application under this subdivision (c)(2) unless the postsecondary preparatory program meets the criteria under this subchapter and established by state board rules.

(d)(1) In collaboration with the Department of Higher Education, the Department of Education shall collect and analyze the following data from postsecondary preparatory programs:

(A) The total number of participants;

(B) The number of participants who were eligible for free and reduced-price meals under the National School Lunch Act;

(C) The total number of participants in each curriculum area identified in § 6-16-602;

(D) The progress of participants monitored in the postsecondary preparatory program through the use of college and career readiness assessments;

(E) The placement test scores of participants;

(F) The number of participants who enrolled in postsecondary preparatory programs in Arkansas and:

(i) Scored lower than the statewide minimum scores established by the Arkansas Higher Education Coordinating Board for college placement; or

(ii) Scored at or higher than the statewide minimum scores established by the Arkansas Higher Education Coordinating Board for college placement;

(G) The number and type of postsecondary preparatory programs approved;

(H) The school operating the postsecondary preparatory programs approved; and

(I) The amount of funding the Department of Education distributed to each postsecondary preparatory program.

(2) The Department of Education shall:

(A) Store the student data collected under this subsection in the Arkansas Public School Computer Network;

(B) Present the data analysis under this subsection in the annual school performance reports as required under § 6-15-1402; and

(C) Annually release to the General Assembly the data collected under this subsection after removing any personally identifiable student information.

History. Acts 1989, No. 11, § 1; 2011, No. 879, § 2; 2013, No. 1081, §§ 15, 16.

Amendments. The 2011 amendment rewrote the section.

The 2013 amendment rewrote (a)(1); inserted "and career" following "college" in three places in (a)(2); substituted "English language arts" for "English, or reading

indicating that a student has a high probability of success in entry level postsecondary education" in (a)(2)(A); in (a)(3)(B), inserted "and career" following "college"

and substituted "English language arts" for "English, or reading"; and inserted "and career" following "college" in (d)(1)(D).

6-16-602. Programs generally.

(a) The postsecondary preparatory programs established under authority of this subchapter shall:

(1) Provide advice that will better prepare eligible students for entry-level postsecondary work in the areas of mathematics, English, and reading;

(2) Improve diagnostic efforts, counseling, placement, and instruction for eligible students;

(3)(A) Provide intensive remedial instruction to eligible students enrolled in the postsecondary preparatory program in one (1) or more of the following curriculum areas:

(i) Mathematics;

(ii) English; or

(iii) Reading.

(B) Each curriculum area shall consist of twenty-five (25) hours or more of instruction;

(4)(A) Use instructors with appropriate content knowledge and specialized training developed by the Department of Education for instructors of developmental education.

(B) A postsecondary preparatory program may use an instructor who does not hold an Arkansas teaching license if the nonlicensed instructor works together with an instructor who holds a current Arkansas teaching license;

(5) Effectively use college and career readiness assessments to monitor the progress of participants in the postsecondary preparatory program;

(6) Use innovative teaching and learning strategies that are designed to be effective with participants in the postsecondary preparatory program;

(7) Document evidence of its performance and the success of its participants; and

(8) Meet other requirements established by rule.

(b) A postsecondary preparatory program shall not receive funding under this subchapter unless the postsecondary preparatory program files an annual application with the Department of Education and the application is approved under § 6-16-601.

(c) A postsecondary preparatory program may be open for attendance:

(1) On one (1) or more days from Monday through Saturday; and

(2) During any hours that participants are not required to attend public school.

History. Acts 1989, No. 11, §§ 2, 4; 2011, No. 879, § 2; 2013, No. 1081, § 17.

Amendments. The 2011 amendment inserted "postsecondary preparatory" in

the introductory language of (a); inserted “eligible” in (a)(1); substituted “eligible students” for “secondary school students based on identified needs for college enrollment and placement” in (a)(2); in-

serted (a)(3) through (a)(8); rewrote (b); and added (c).

The 2013 amendment inserted “and career” following “college” in (a)(5).

6-16-603. Local programs mandated — Placement test.

(a) Every public school in Arkansas shall:

(1) Identify eligible students under this subchapter using the results from college and career readiness assessments under the Arkansas College and Career Readiness Planning Program, § 6-15-441; and

(2)(A) Provide the counseling required under subsection (b) of this section.

(B) The public school shall make every reasonable effort to involve parents or guardians in student counseling and placement of students.

(b) A public school counselor serving students in any of grades eight through eleven (8-11) shall:

(1) Counsel and strongly encourage each student enrolled in grades eight through eleven (8-11) who is identified through college and career readiness assessments as not meeting the college readiness benchmarks in mathematics or English language arts to enroll in a postsecondary preparatory program if a program is available to the student;

(2) Advise each public school student enrolled in grade eleven (11) in Arkansas that the student may take a placement test under § 6-16-605; and

(3) Counsel and strongly encourage each student who takes a placement test under § 6-16-605 and scores below the statewide minimum scores established by the Arkansas Higher Education Coordinating Board for mathematics or English language arts to enroll during the student’s senior year of high school in regular school instructional courses designated by:

(A) Local school officials to assist in the improvement of the student’s scores in the areas of deficiency; and

(B) The Department of Education and the Department of Higher Education as appropriate courses for college and career readiness.

History. Acts 1989, No. 11, § 3; 1989, No. 659, § 1; 1991, No. 650, § 1; 2011, No. 879, § 2; 2013, No. 1073, § 19; 2013, No. 1081, § 18.

Amendments. The 2011 amendment rewrote the section.

The 2013 amendment by No. 1073 added “if a program is available to the student” in (b)(1).

The 2013 amendment by No. 1081 inserted “and career” following “college” in (a)(1), (b)(1) and (b)(3)(B); in (b)(1), substituted “language arts” for “or reading” and added “if a program is available to the student”; and substituted “English language arts” for “English, or reading” in (b)(3).

6-16-604. Student enrollment.

(a)(1) An eligible student may enroll in a postsecondary preparatory program during:

(A) A school year;

(B) The summer months following a school year in which the student is enrolled in any of grades eight through eleven (8-11) in an Arkansas public school; or

(C) Both of the periods described in subdivisions (a)(1)(A) and (B) of this section.

(2) An eligible student shall receive priority for enrollment in a postsecondary preparatory program if the eligible student qualifies for free and reduced price meals under the National School Lunch Act, 42 U.S.C. § 1751 et seq.

(3) If space and funding are available after all eligible students who applied to attend a postsecondary preparatory program are enrolled, the Department of Education may permit a public school student to enroll in a postsecondary preparatory program if the student:

(A) Scores below college and career readiness benchmarks on a college and career readiness assessment or placement test; and

(B) Either:

(i) Is enrolled in grade twelve (12) in Arkansas; or

(ii) Will enroll in the postsecondary preparatory program within three (3) months of graduating from an Arkansas high school.

(b) An eligible student may enroll in one (1) or more of the curriculum areas in which the eligible student has scored below the college and career readiness benchmark as identified by college and career readiness assessments.

(c) The opportunity to participate in a postsecondary preparatory program under this subchapter shall not be interpreted as mandating the Department of Education to fund postsecondary preparatory programs at a cost in excess of the funds appropriated and funded in the Public School Fund for this purpose.

History. Acts 1989, No. 11, §§ 3, 4; 1989, No. 659, § 1; 1991, No. 650, §§ 2, 3; 2007, No. 1573, § 56; 2009, No. 1469, § 6; 2011, No. 879, § 2; 2011, No. 989, § 23; 2013, No. 1081, §§ 19, 20.

A.C.R.C. Notes. To effectuate the intent of the General Assembly, § 6-16-604 is set out above as amended by Acts 2011, No. 879, § 2. Subsection (a) of § 6-16-604 was also amended by Acts 2011, No. 989, § 23 as follows:

“(a)(1) A student who plans to enroll in a postsecondary program in Arkansas may enroll in a state-approved intensive noncredit preparatory program during the summer following the junior year of high school.

“(2) The Department of Education may permit an Arkansas high school graduate to enroll in a program.

“(3) If a school district has available capacity after all students who have completed the eleventh grade and all high school graduates have been given the opportunity to participate in the program, the department may permit a student who has completed the tenth grade to enroll in the program.”

Acts 2013, No. 1138, § 22, provided: “Acts 2011, No. 989, § 23, is repealed to effectuate the intent of the General Assembly in enacting legislation that revised this entire subchapter under Acts 2011, No. 879.”

Amendments. The 2009 amendment rewrote (b)(1).

The 2011 amendment by No. 879 rewrote the section.

The 2011 amendment by No. 989 added (a)(3).

The 2013 amendment inserted "and career" following "college" in two places in (a)(3)(A) and (b).

6-16-605. Testing — Acceptance of test scores.

(a) A student may take a placement test at no cost to the student at the date, time, and location set by the State Board of Education if the student:

(1) Is enrolled in grade eight (8) or grade (10) in a public school of Arkansas; or

(2) Completes a postsecondary preparatory program successfully and in the student's senior year of high school enrolls in a mathematics or English language arts course that is designated by the Department of Education and the Department of Higher Education as an appropriate course for college and career readiness.

(b) At the request of a student, the student's score on a placement test taken under authority of this subchapter will be made available to and will be accepted by and recognized toward meeting enrollment requirements of state-supported colleges, universities, and postsecondary vocational schools in Arkansas.

History. Acts 1989, No. 11, § 5; 2011, No. 879, § 2; 2013, No. 1081, § 21.

Amendments. The 2011 amendment added (a); and rewrote present (b).

The 2013 amendment inserted "and career" following "college" in (a)(2).

6-16-606. Elective credit.

(a) A public high school shall award one (1) unit of credit as an elective for successfully completing a postsecondary preparatory program under this subchapter.

(b) The unit of credit awarded under this section does not count toward the minimum number of credits required by law for high school graduation.

History. Acts 2011, No. 879, § 2.

SUBCHAPTER 7 — OPTIONAL SUMMER SCHOOL PROGRAMS

SECTION.

6-16-702. Authority — Fees.

6-16-702. Authority — Fees.

(a)(1) Public schools are hereby authorized to operate optional school programs during the summer or at other times when the regular school classes are not in session and to charge fees to students for participating in the programs.

(2) If credit is given for the courses taken in the optional programs:

(A) The teachers shall meet licensure requirements for the courses taught; and

(B) The number of hours that classes are in session shall meet the same requirements as are in effect for the same courses taught in the regular term.

(b)(1) In school districts that operate optional school programs during the summer and in districts where space is available, no fee shall be charged a student who qualifies for free or reduced-price meals and whose enrollment in an academic course is made for the purpose of remediating a deficiency in grades when the student has made a D or an F in an academic course.

(2) Other courses offered in summer school for academic credit may be taken without fees being charged, as space is available, by students who qualify for free or reduced-price meals.

History. Acts 1989, No. 475, § 2; 1993, No. 840, § 2; 1999, No. 100, § 9; 2013, No. 1138, § 29.

Amendments. The 2013 amendment substituted "licensure" for "certification" in (a)(2)(A).

SUBCHAPTER 10 — HEALTH EDUCATION

A.C.R.C. Notes. Acts 2013, No. 1298, § 1, provided:

"(a) There is established the "Arkansas Task Force for the Prevention Through Education of Child Sexual Abuse".

"(b) The purposes of the task force are to:

"(1) Gather information concerning the prevalence of child sexual abuse throughout Arkansas;

"(2) Receive reports and testimony from individuals, state and local agencies, community-based organizations, and other public and private organizations;

"(3) Make recommendations to the Governor, the Speaker of the House of Representatives, the President Pro Tempore of the Senate, and the State Board of Education concerning evidence-based ways to prevent child sexual abuse through education; and

"(4) Make recommendations to the Governor, the Speaker of the House of Representatives, the President Pro Tempore of the Senate, and the State Board of Education regarding curricula directed at preventing child sexual abuse through education.

"(c) The task force shall consist of:

"(1) The Commissioner of Education, or his or her designee;

"(2) The Director of the Division of Children and Family Services of the De-

partment of Human Services, or his or her designee;

"(3) The Director of the Department of Arkansas State Police, or his or her designee;

"(4) One (1) member appointed by the Governor;

"(5) One (1) member appointed by the Speaker of the House of Representatives;

"(6) One (1) member appointed by the President Pro Tempore of the Senate;

"(7) The Executive Director of the Arkansas Association of Educational Administrators, or his or her designee;

"(8) The Executive Director of the Arkansas School Boards Association, or his or her designee;

"(9) The Executive Director of the Arkansas Education Association, or his or her designee;

"(10) The Executive Director of the Arkansas Rural Education Association, or his or her designee;

"(11) A representative from Arkansas Advocates for Children and Families;

"(12) A representative from Arkansas Children's Hospital;

"(13) A representative from the State Child Abuse and Neglect Prevention Board;

"(14) A representative from the Arkansas Prosecuting Attorneys Association;

“(15) A representative from the Arkansas Commission on Rape/Child Abuse/Domestic Violence;

“(16) A representative from the Arkansas State CASA Association; and

“(17) A representative of children’s advocacy centers.

“(d)(1) The chair of the task force shall be elected by majority vote at the first meeting of the task force.

“(2) All changes in task force chairmanship shall be decided by majority vote of the task force.

“(e)(1) The task force shall meet at the times and places that the chair deems necessary but not less than four (4) times per year.

“(2) A simple majority of members of the task force shall constitute a quorum for the purpose of transacting business.

“(3) All actions of the task force are by quorum.

“(f) The Department of Education shall staff the task force.

“(g) All members of the task force may receive expense reimbursement as provided under § 25-16-902 to be paid by the Department of Education if funds are available.

“(h)(1) By October 1, 2014, the chair of the task force shall provide a report to the

Governor, the Speaker of the House of Representatives, the President Pro Tempore of the Senate, and the State Board of Education.

“(2) The report shall identify:

“(A) Findings of the task force concerning the prevalence of child sexual abuse in Arkansas;

“(B) Recommendations of the task force toward adopting and implementing age-appropriate curricula for students in kindergarten through grade five (K-5) concerning child sexual abuse prevention;

“(C) Recommendations of the task force concerning the training of licensed and classified school personnel on the prevention and detection of child sexual abuse;

“(D) Recommendations of the task force concerning the training of parents and guardians on the warning signs of child sexual abuse;

“(E) Recommendations for the publication of counseling, assistance, services, and other resources for students affected by child sexual abuse; and

“(F) Recommendations of the task force for the emotional and educational support for a victim of child sexual abuse.

“(i) The task force shall expire on May 1, 2015.”

SUBCHAPTER 12 — ADVANCED PLACEMENT AND ENDORSED CONCURRENT ENROLLMENT

SECTION.

6-16-1204. Implementation.

6-16-1204. Implementation.

(a)(1) In order to prepare students for the rigor inherent in Advanced Placement courses, school districts shall offer pre-Advanced Placement courses to prepare students for the demands of Advanced Placement coursework.

(2) The Department of Education shall approve all classes designated as pre-Advanced Placement courses.

(b) An endorsed concurrent enrollment course must meet the following requirements:

(1) The course must be a course offered by an institution of higher learning in this state that is:

(A) Approved through the institution of higher learning’s normal process; and

(B) Listed in the institution of higher learning’s catalog;

(2) The course content and instruction must meet the same standards and adopt the same learning outcomes as those developed for a course taught on the campus of the institution of higher education, including without limitation:

(A) The administration of any departmental exams applicable to the course; and

(B) The use of substantially the same book and syllabus as is used at the college level;

(3) The course must be taught by an instructor with the qualifications required under § 6-16-1203(b);

(4) The institution of higher education offering the course must:

(A) Provide to the course instructor staff development, supervision, and evaluation; and

(B)(i) Provide the students enrolled in the course with:

(a) Academic guidance counseling; and

(b) The opportunity to utilize the on-campus library or other academic resources of the institution of higher education.

(ii) Nothing in this subdivision (b)(4) shall preclude institutions of higher education from collaborating to meet the requirements of this subdivision (b)(4);

(5) To be eligible to enroll in an endorsed concurrent enrollment course, the student must:

(A) Be admitted by the institution of higher education as a non-degree or non-certificate seeking student; and

(B) Meet all of the prerequisites for the course in which he or she is enrolled; and

(6)(A) Credit for the endorsed concurrent enrollment course may only be awarded by the institution of higher education offering the course.

(B) Nothing in this subdivision (b)(6) shall preclude institutions of higher education from collaborating to provide the course and award course credit.

(c) Beginning with the 2008-2009 school year, all school districts shall offer one (1) College Board Advanced Placement course in each of the four (4) core areas of math, English, science, and social studies for a total of four (4) courses.

(d)(1) The requirement under subsection (c) of this section shall be phased in over a period of four (4) years beginning with the 2005-2006 school year.

(2) Beginning with the 2008-2009 school year, all high schools in Arkansas shall offer a minimum of four (4) Advanced Placement courses by adding at least one (1) core course each year to the list of courses available to high school students.

(e)(1)(A) A state-supported two-year or four-year institution of higher education may offer a reduced tuition rate for endorsed concurrent enrollment courses offered by the institution of higher education to high school students under this subchapter.

(B) The reduction in tuition shall be considered an institutional scholarship.

(2) The number of students enrolled and the semester credit hours for endorsed concurrent enrollment courses shall be included in the calculation of full-time-equivalent enrollment for the institution of higher education.

History. Acts 2003 (2nd Ex. Sess.), No. 102, § 1; 2007, No. 936, § 3; 2009, No. 1451, § 1.

Amendments. The 2009 amendment added (e).

SUBCHAPTER 14 — DIGITAL LEARNING

SECTION.

6-16-1401. Title.

6-16-1402. Legislative intent.

6-16-1403. Digital learning — Approved provider list.

SECTION.

6-16-1404. Digital learning environment.

6-16-1405. Digital learning providers.

6-16-1406. Pilot program — Digital learning courses.

A.C.R.C. Notes. Acts 2013, No. 1280, § 2, provided:

“(a) Before the Ninetieth General Assembly convenes in 2015, the House Committee on Education and the Senate Committee on Education shall implement a comprehensive study in collaboration with the Department of Education, the Department of Information Systems, and Arkansas service providers on methods to

establish and maintain the necessary infrastructure and bandwidth to sufficiently facilitate and deliver a quality digital learning environment in each school district and public charter school.

“(b) The final report shall be delivered to the Speaker of the House of Representatives and the President Pro Tempore of the Senate no later than December 1, 2014.”

6-16-1401. Title.

This subchapter may be cited as The Digital Learning Act of 2013.

History. Acts 2013, No. 1280, § 1.

6-16-1402. Legislative intent.

(a) It is the intent of the General Assembly to:

(1) Provide for the expansion of digital learning opportunities to all Arkansas public school students; and

(2) Remove any impediments to the expansion of digital learning opportunities.

(b) This act does not authorize a government entity to provide directly or indirectly basic local exchange, voice, data, broadband, video, or wireless telecommunication service except as authorized under § 23-17-409(b).

History. Acts 2013, No. 1280, § 1.

6-16-1403. Digital learning — Approved provider list.

(a)(1) As used in this subchapter, digital learning means a digital technology or internet-based educational delivery model that does not rely exclusively on compressed interactive video.

(2) Digital learning services may be procured from both in-state and out-of-state digital learning providers.

(b) The Department of Education shall annually:

(1) Publish a list of approved digital learning providers that offer digital learning services; and

(2) Provide a copy of the list of approved digital learning providers to the House Committee on Education and the Senate Committee on Education no later than June 1 each year.

History. Acts 2013, No. 1280, § 1.

6-16-1404. Digital learning environment.

A digital learning environment shall be composed of:

(1) Access to quality digital learning content and online blended learning courses;

(2) Tailored digital content designed to meet the needs of each student;

(3) Digital learning content that meets or exceeds the curriculum standards and requirements adopted by the State Board of Education that is capable of being assessed and measured through standardized tests or local assessments; and

(4) Infrastructure that is sufficient to handle and facilitate a quality digital learning environment.

History. Acts 2013, No. 1280, § 1.

6-16-1405. Digital learning providers.

(a) To become an approved digital learning provider a digital learning provider shall submit proof that the provider:

(1) Is nonsectarian and nondiscriminatory in its programs, employment practices, and operations;

(2) Demonstrates or partners with an organization that demonstrates successful experience in furnishing digital learning courses to public school students as demonstrated by student growth in each subject area and grade level for which it proposes to provide digital learning courses;

(3) Meets or exceeds the minimum curriculum standards and requirements established by the State Board of Education and ensures instructional and curricular quality through a curriculum and accountability plan that addresses every subject area and grade level for which it agrees to provide digital learning courses; and

(4)(A) Utilizes highly qualified teachers to deliver digital learning courses to public school students.

(B) A highly qualified teacher that delivers digital learning courses under this subchapter is not required to be licensed as a teacher or administrator by the state board.

(b) The Department of Education or state board shall not require as a condition of approval of a digital learning provider that the digital learning provider limit the delivery of digital learning courses to public schools that require physical attendance at the public school to successfully complete the credit for which the digital learning course is provided.

History. Acts 2013, No. 1280, § 1.

6-16-1406. Pilot program — Digital learning courses.

(a)(1)(A) Beginning in the 2013-2014 school year, all public school districts and public charter schools participating in a pilot program shall provide at least one (1) digital learning course to their students as either a primary or supplementary method of instruction.

(B) The Department of Education shall adopt rules to implement the pilot program, the purpose of which shall be to more smoothly implement the requirements under subdivision (a)(2) of this section.

(2) Beginning in the 2014-2015 school year, all public school districts and public charter schools shall provide at least one (1) digital learning course to their students as either a primary or supplementary method of instruction.

(b) All digital learning courses provided by public school districts or public charter schools shall:

(1) Be of high quality;

(2) Meet or exceed the curriculum standards and requirements established by the State Board of Education; and

(3) Be made available in a blended learning, online-based, or other technology-based format tailored to meet the needs of each participating student.

(c) Digital learning courses shall be capable of being assessed and measured through standardized tests or local assessments.

(d) Beginning with the entering ninth grade class of the 2014-2015 school year, each high school student shall be required to take at least one (1) digital learning course for credit to graduate.

(e) The State Board of Education shall not limit the number of digital learning courses for which a student may receive credit through a public school or a public charter school and shall ensure that digital learning courses may be used as both primary and secondary methods of instruction.

History. Acts 2013, No. 1280, § 1.

CHAPTER 17

PERSONNEL

SUBCHAPTER.

1. GENERAL PROVISIONS.
2. PERSONNEL POLICIES.
3. EMPLOYMENT AND ASSIGNMENT.
4. LICENSURE GENERALLY.
6. LICENSED PERSONNEL TESTING PROGRAM.
7. PROFESSIONAL DEVELOPMENT.
8. TEACHERS' SALARIES GENERALLY.
9. THE ARKANSAS TEACHERS' SALARY LAW.
11. INSURANCE.
12. TEACHERS' MINIMUM SICK LEAVE LAW.
15. TEACHER FAIR DISMISSAL ACT.
16. MASTER SCHOOL PRINCIPAL PROGRAM.
17. PUBLIC SCHOOL EMPLOYEE FAIR HEARING ACT.
19. MINORITY RECRUITMENT.
23. PERSONNEL POLICY LAW FOR CLASSIFIED EMPLOYEES.
24. TEACHER COMPENSATION PROGRAM OF 2003.
25. ARKANSAS TEACHER OF THE YEAR ACT.
26. LIFETIME TEACHING LICENSE.
27. SCIENCE, TECHNOLOGY, ENGINEERING, AND MATH FUND.
28. TEACHER EXCELLENCE AND SUPPORT SYSTEM.

SUBCHAPTER 1 — GENERAL PROVISIONS

SECTION.

- 6-17-101. [Repealed.]
- 6-17-111. Duty-free lunch period.
- 6-17-112. Corporal punishment — Immunity from liability.

SECTION.

- 6-17-119. Alternative pay programs.

6-17-101. [Repealed.]

Publisher's Notes. This section, concerning certificate of health and tuberculosis tests was repealed by Acts 2013, No. 231, § 1. The section was derived from Acts 1931, No. 169, § 194; Pope's Dig., §§ 3597, 11636; Acts 1947, No. 326, § 1; 1965, No. 455, § 1; 1977, No. 97, § 1; A.S.A. 1947, §§ 80-1210 — 80-1213; Acts 1987, No. 677, § 4; 1989, No. 640, § 1; 2005, No. 1994, § 62; 2007, No. 313, § 1.

6-17-111. Duty-free lunch period.

(a)(1) Each school district in this state shall provide at least a thirty-minute uninterrupted duty-free lunch period during each student instructional day for each licensed school employee in its employment.

(2) Any teacher not receiving a duty-free lunch period during each student instructional day as provided in subdivision (a)(1) of this section shall be compensated at his or her hourly rate of pay for each missed lunch period.

(3) A school district shall be exempt from the provisions of this subsection if:

(A) It has collectively negotiated a contract through a local teachers' association; and

(B) The collectively negotiated contract expressly addresses a duty-free lunch period.

(b) Lunchroom supervisors who have been in-serviced may be volunteers, personnel in nonlicensed positions, or aides.

History. Acts 1987, No. 558, § 1; 2001, No. 1373, § 1; 2005, No. 1881, § 1; 2011, No. 989, § 24; 2013, No. 1138, § 30.

The 2013 amendment substituted "personnel in nonlicensed positions" for "non-certified personnel" in (b).

Amendments. The 2011 amendment substituted "licensed" for "certified" in (a)(1).

6-17-112. Corporal punishment — Immunity from liability.

(a) Teachers and administrators in a school district that authorizes use of corporal punishment in the school district's written student discipline policy shall be immune from any civil liability for administering corporal punishment to students, provided only that the corporal punishment is administered in substantial compliance with the school district's written student discipline policy.

(b) As used in subsection (a) of this section, "teachers and administrators" means those persons employed by a school district and required to have a state-issued license as a condition of their employment.

History. Acts 1994 (2nd Ex. Sess.), No. 51, §§ 3, 5; 2011, No. 989, § 25.

substituted "license" for "certificate" in (b).

Amendments. The 2011 amendment

6-17-119. Alternative pay programs.

(a) As used in this section:

(1) "Alternative pay" means a salary amount that is part of the licensed employee's or classified employee's total compensation for additional responsibilities, mastery of new knowledge and skills, advanced career opportunities, increased student achievement, attracting highly qualified teachers, or professional development exceeding state minimums;

(2) "Classified employee" means a person employed by a public school district under a written annual contract who is not required to have a teaching license issued by the Department of Education as a condition of employment;

(3) "Licensed employee" means a person employed by a public school who is required to hold a license issued by the department; and

(4) "Teacher" means:

(A) Any person who is:

(i) Required to hold a teaching license from the department; and

(ii) Is engaged directly in instruction with students in a classroom setting for more than seventy percent (70%) of the individual's contracted time;

(B) A guidance counselor; or

(C) A librarian.

(b) A public school district may offer or participate in an alternative pay program for its licensed employees, classified employees, or both employee groups if:

(1) The program is implemented school district-wide or on a school-by-school basis;

(2) Every eligible licensed employee or classified employee may participate in the program;

(3)(A) The program from the beginning is a collaborative effort among the participating school board of directors, administrators, teachers, classified employees, association representatives, and parents with children attending the school district.

(B) The school board of directors, administrators, teachers, and classified employees shall each approve a show of interest resolution in the program by at least seventy percent (70%) or another percentage established by a majority vote of the teachers and approved by the local school board of directors.

(C)(i) Each of the above groups shall be represented on a committee that will design, implement, and evaluate the program.

(ii) Each group shall select its own representatives, and the committee shall be composed of at least fifty percent (50%) classroom teachers.

(D) The program is a personnel policy and shall be promulgated in accordance with § 6-17-201 et seq. and § 6-17-2301 et seq., except to the extent that those personnel policies are negotiable in any school district that recognizes an organization representing a majority of teachers;

(4)(A) The program uses a variety of objective criteria that are credible, clear, specific, measurable indicators of student achievement, and generally accepted best practices to determine pay.

(B) No more than fifty percent (50%) of the program's eligibility requirements or alternative pay shall be related to annual increases in test scores;

(5)(A)(i) The program establishes a clear system of pay.

(ii) The alternative pay system may not be arbitrary.

(B) The alternative pay shall be at least ten percent (10%) of the salary and receivable in one (1) year;

(6) The program has an established and ongoing support system for the participants with the necessary financial and administrative resources to successfully carry the program through;

(7) The program is aligned and linked to each school's Arkansas Comprehensive School Improvement Plan;

(8) The program is part of a larger set of reforms rather than an isolated approach to improving performance or rewarding certain licensed or classified employees;

(9) Each group identified in subdivision (b)(3)(B) approves the finalized program by:

(A) At least a seventy percent (70%) majority; or

(B) Another percentage established by a majority vote of the teachers and approved by the local school board of directors; and

(10)(A) The program respects the right of any teacher or classified employee to elect not to participate in the program.

(B) However, if fifty-one percent (51%) or more of an employee group chooses not to participate, the program shall not be implemented for that group.

(c) The department shall promulgate the rules necessary for the proper implementation of this section.

(d) This section shall not apply to any state-funded alternative teacher compensation pilot program or to any other performance-based pay program operating in a public school on July 31, 2007.

History. Acts 2007, No. 847, §§ 1, 2; 2013, No. 1138, §§ 31, 32.

Amendments. The 2013 amendment redesignated former (a)(2) and (a)(3) as

(a)(3) and (a)(2); and substituted “licensed” for “certified” in (a)(1), present (a)(3), (b), (b)(2), (b)(8) and similar language in present (a)(2).

SUBCHAPTER 2 — PERSONNEL POLICIES

SECTION.

6-17-201. Personnel policies requirements.

6-17-204. Incorporation into teachers' contracts.

SECTION.

6-17-205. Organization and duties of committee.

6-17-209. Interim personnel policy committees.

6-17-201. Personnel policies requirements.

(a) Each school district in the state shall have a set of written personnel policies, including the teacher salary schedule.

(b) “Personnel policies” means all school district policies, guidelines, regulations, and procedures that pertain to the terms and conditions of a teacher’s employment.

(c) The personnel policies shall include, but are not limited to, the following terms and conditions of employment:

- (1) Benefits;
- (2) Compensation;
- (3) Designation of workdays;
- (4) Holidays and noninstructional days;
- (5) The annual calendar;
- (6) Methods of evaluations;
- (7) Extra duties;
- (8) Leave;
- (9) Grievances;
- (10) Dismissal or nonrenewal;
- (11) Reduction in force; and
- (12) Assignment of teacher aides.

(d)(1)(A) A school district shall not receive in any year any additional funding from the Public School Fund unless the school district posts

by September 15 its current personnel policies on the school district's website, including the salary schedule as required by this subchapter.

(B) A written copy of the policies signed by the president of the local school board of directors shall be retained by the school district in a central records location.

(2) By September 15 of each year, a school district shall provide the Department of Education with the website address at which its current personnel policies, including the salary schedule, may be found.

(e) The department shall notify any school district that has not posted its policies on the school district website or provided the department with the website address in accordance with this section.

History. Acts 1987, No. 687, § 1; 1991, No. 170, § 1; 1999, No. 391, § 6; 2003, No. 1120, § 1; 2005, No. 2121, § 3; 2011, No. 989, § 26; 2013, No. 1073, § 20.

Amendments. The 2011 amendment rewrote (d)(1)(A) and (d)(2).

The 2013 amendment, in (e), substituted "posted" for "filed" preceding "its policies" and inserted "on the school district website or provided the department with the website address."

6-17-204. Incorporation into teachers' contracts.

(a) The personnel policies of all school districts shall be considered to be incorporated as terms of the licensed personnel contracts and shall be binding on the licensed personnel and the school district.

(b)(1) Any changes or additions to the personnel policies shall not be considered a part of licensed personnel contracts until the next fiscal year.

(2)(A) Any changes or additions to the personnel policies may take effect before the next fiscal year only if the changes or additions are approved by a majority of the licensed personnel employed by the school district voting by secret ballot.

(B) The voting and counting shall be conducted by the personnel policy committee.

(3) All changes or additions to the personnel policies or new personnel policies shall be made in accordance with this subchapter.

(c)(1) Notwithstanding the provisions listed in subsection (b) of this section, any change or addition to the personnel policies adopted by the school board of directors on or before June 30 each year to ensure compliance with state or federal law or regulation shall be considered a part of licensed personnel contracts on July 1 of the same calendar year.

(2) Any changes or additions to the personnel policies adopted by the school board of directors between May 1 and June 30 each year that are not required to ensure compliance with state or federal law or regulation shall be considered a part of licensed personnel contracts on July 1 of the same calendar year if:

(A) A notice of the change is sent no later than five (5) working days after final board action by first class letter to the address on record in the personnel file of each affected employee; and

(B) The notice of change includes:

(i)(a) The new or modified policy.

(b) A modified policy shall be provided in a form that clearly shows additions underlined and deletions stricken; and

(ii)(a) A provision that states that due to the policy change, each continuing employee under contract shall have the power to unilaterally exercise the power of rescission within a period of thirty (30) days after the school board of directors takes final action by providing to the school board of directors a notice of rescission in the form of a letter of resignation during the period of thirty (30) days.

(b) For continuing contract employees covered under the Teacher Fair Dismissal Act of 1983, the power of rescission in this section shall be in addition to the power of rescission provided under § 6-17-1506.

(d)(1) A school district shall adopt, in accordance with this subchapter, a supplement to the salary schedule for those licensed staff employed longer than the period covered by the salary schedule and for duties in addition to licensed employees' regular teaching assignments.

(2) Compensation policies approved by the personnel policy committee shall not apply to the chief administrator who is charged with administration of salary policy for all employees.

(3) A licensed employee may not waive payment according to the salary schedule.

(e) Under §§ 6-5-307(a) and 6-20-412 a school district is not prohibited from paying a licensed employee additional salary increases as a supplement to the salary schedule even though the licensed employee is not employed an additional time period longer than the period covered by the salary schedule or required to perform duties in addition to the licensed employee's regular teaching assignments.

History. Acts 1983, No. 224, §§ 1, 2; A.S.A. 1947, §§ 80-1258.1, 80-1258.2; Acts 1995, No. 1260, § 1; 1997, No. 931, § 1; 2001, No. 1485, § 1; 2009, No. 1180, § 3; 2011, No. 186, § 1; 2011, No. 981, § 4; 2011, No. 989, § 27.

A.C.R.C. Notes. Acts 2009, No. 1180, § 4, provided: "The document attached hereto titled 'Prologue' contains the findings concerning the history of school board functions. The document, 'Prologue', shall be filed in the journals of the House and Senate."

Amendments. The 2009 amendment rewrote (c)(1); redesignated (c)(2) as (d), and redesignated the remaining subsection accordingly; substituted "licensed" for

"certified" in two places in (d)(1); substituted "licensed employee" for "certified person" in (d)(2); in (e), deleted "the provisions of The Educator's Compensation Act of 2001, § 6-17-2101 et seq. [Repealed]" following "Under," substituted "licensed employee" for "certified staff" in two places, and substituted "licensed employee's" for "certified employees"; and made related and minor stylistic changes.

The 2011 amendment by identical acts Nos. 186 and 981 inserted "not" following "district is" in (e).

The 2011 amendment by No. 989 substituted "licensed personnel" for "certified personnel" throughout (a) through (c).

6-17-205. Organization and duties of committee.

(a)(1) Each school district's committee on personnel policies shall organize itself in the first quarter of each school year and elect a chair and a secretary.

(2) The committee shall develop a calendar of meetings throughout the year to review the school district's personnel policies in order to:

(A) Determine whether additional policies or amendments to existing policies are needed;

(B) Review any policies or changes to policies proposed by the board of directors;

(C) Propose additional policies or amendments to the board of directors; and

(D) Review any proposed distribution of a salary underpayment from previous years.

(3) Minutes of the committee meetings shall be promptly reported and distributed to members of the board of directors and posted in the buildings of the school district, including the administrative offices.

(b)(1) Either the committee or the board of directors may propose new personnel policies or amendments to existing policies.

(2) New personnel policies or amendments to existing personnel policies proposed by the board of directors may not be voted on by the board of directors as a school district policy unless the final form of the policy to be voted on has been submitted as a proposed policy to the committee for consideration at least ten (10) working days before the vote of the board of directors.

(3)(A) The superintendent may recommend any changes in personnel policies to the board of directors or to the personnel policies committee.

(B) The recommendations may then become proposals at the discretion of either the board of directors or the committee.

(c) The chair of the committee or a committee member designated by the chair shall be placed on the board of directors' agenda and shall have the opportunity to orally present to the board of directors the committee's comments, positions, or proposals on the final form of any proposed policies or amendments to existing policies, whether proposed by the committee or the board of directors, before they are voted on by the board of directors as school district policies.

(d) After the oral presentation to the board of directors, the board of directors may take final action immediately, but final action shall be taken no later than its next regular board of directors meeting.

(e) The board of directors may adopt, reject, or refer back to the committee on personnel policies for further study and revision any proposed policies or amendments to existing policies that are submitted to the board of directors for consideration by the committee.

History. Acts 1987, No. 687, § 3; 1993, No. 902, § 1; 1993, No. 1108, § 1; 1993, No. 1187, § 1; 1997, No. 1031, § 1; 2009, No. 1493, § 1.

Amendments. The 2009 amendment inserted (a)(2)(B) and (a)(2)(C); rewrote

(b) and (c); in (d), inserted "the oral" and substituted "may take final action immediately, but final action shall be taken" for "shall take action"; and added "by the committee" in (e) and made a minor stylistic change.

6-17-209. Interim personnel policy committees.

(a) For purposes of this section, the following definitions shall apply:

(1) "Consolidation" means any reorganization, merger, collapse, or annexation of any school districts or portions of any school districts either voluntarily or involuntarily;

(2) "Interim policy review board" means a board consisting of the presidents of the school district boards of directors of the school districts to be consolidated that shall be formed for the purpose of reviewing and adopting a uniform set of policies under this section; and

(3) "New school district" means the resulting school district after consolidation.

(b)(1) As soon as possible after the school boards of directors or the qualified electors of the school districts agree to be consolidated or as soon as possible after any decision is made that the school districts are to be involuntarily consolidated, the personnel policy committee of each of the school districts involved in the consolidation shall meet individually and elect members to form an interim personnel policy committee for the new school district.

(2) The personnel policy committees of the existing school district shall elect:

(A)(i) If three (3) or fewer school districts are consolidating, three (3) existing teacher members of the personnel policy committee from each school district to serve on the interim personnel policy committee; or

(ii) If four (4) or more school districts are consolidating, two (2) existing teacher members of the personnel policy committee from each school district to serve on the interim personnel policy committee; and

(B) One (1) administrator from each of the school districts to serve on the interim personnel policy committee.

(3)(A) The interim personnel policy committee shall elect a chair and a secretary, both of whom shall be classroom teachers, and schedule a calendar of meetings to review all the written uniform policies of the respective school districts that affect the terms and conditions of the teachers' employment.

(B) The interim personnel policy committee shall put together a proposed set of policies for the new school district from the written policies.

(c)(1) After drafting a proposed set of policies for the new school district, the interim personnel policy committee shall meet with the interim policy review board of the new school district to present and explain to the interim policy review board the proposed set of policies for the new school district.

(2) Upon request of the interim personnel policy committee, the interim policy review board shall be entitled to and shall organize itself and meet with the interim personnel policy committee at least twice before June 1 of the school year prior to consolidation for the purpose of

reviewing, receiving, and discussing with the interim personnel policy committee the proposed policies for the new school district.

(d) The interim personnel policy committee shall serve as the personnel policy committee of the new school district until a new personnel policy committee is formed and successor personnel policy committee members are elected pursuant to this subchapter or until the new school district chooses to officially recognize in its policies an organization representing a majority of the teachers in the school district for purposes of negotiating as provided for under this subchapter.

(e)(1) The interim policy review board shall adopt a uniform set of policies before the effective date of the consolidation that shall be the personnel policies for the new school district.

(2) In the event the interim policy review board decides to adopt any policy or policies different from those proposed by the interim personnel policy committee, the interim policy review board shall submit the proposals to the interim personnel policy committee at least seven (7) calendar days before being considered for adoption by the interim policy review board.

(3) The chair of the interim personnel policy committee or a committee member designated by the chair will have the opportunity to comment orally on any of the interim policy review board's proposals before their adoption.

(4) Any written policy of a new school district that affects the terms and conditions of a teacher's employment shall be considered a personnel policy.

(5) The new personnel policies shall not impair or diminish the existing contract rights of any teacher.

(f) In the event a school district with a personnel policy committee consolidates with another school that recognizes in its policies an organization representing the majority of the teachers of the school district for the purpose of negotiating personnel policies, salaries, and educational matters of mutual concern pursuant to § 6-17-202, each teacher in the school district with the personnel policy committee shall have the right in his or her first year of employment with the new school district to elect to have his or her contract governed by the negotiated personnel policies of the new school district or to continue with the terms of his or her existing contract under the personnel policies of the school district by which he or she was employed the year before the consolidation.

(g) The provisions of this section shall not apply to instances in which the State Board of Education votes to annex or consolidate one (1) school district to or with two (2) or more receiving or resulting school districts due to enforcement by the state board of the provisions of this title relating to academic distress, academic facilities distress, fiscal distress, or violations of the Standards for Accreditation of Arkansas Public Schools and School Districts.

History. Acts 2003, No. 1801, § 1; substituted “policy review board” for “school board” throughout the section; and 2011, No. 989, §§ 28–31.
Amendments. The 2011 amendment added (g).

SUBCHAPTER 3 — EMPLOYMENT AND ASSIGNMENT

SECTION.

6-17-301. Employment of licensed personnel.
 6-17-302. Public school principals — Qualifications and responsibilities.

SECTION.

6-17-306. Leaves of absence.
 6-17-309. Licensure — Waiver.

Effective Dates. Acts 2009, No. 1469, § 32: Apr. 10, 2009. Emergency clause provided: “It is found and determined by the General Assembly of the State of Arkansas that it is the state’s constitutional obligation to provide a general, suitable, and efficient free system of public schools in the state; that the public school funding distribution changes in this act are needed to ensure that proper funding is provided to the affected public schools and school districts; and that this act is immediately necessary so that the affected public schools and school districts will receive

the amount of funding for the current school year. Therefore, an emergency is declared to exist and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on: (1) The date of its approval by the Governor; (2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or (3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto.”

6-17-301. Employment of licensed personnel.

(a)(1) A school board of directors may employ superintendents, deputy superintendents, assistant superintendents, and high school principals, as well as department heads, coaches, teachers, and other licensed personnel by written contract for a period of time not more than three (3) years.

(2) A contract may be renewed annually.

(b) A superintendent’s contract of employment with a school district may be terminated for cause and without the school district’s having any further financial obligation to the superintendent if:

(1) The school district has:

(A) Been placed on fiscal distress by the Department of Education because of:

(i) Commitments made by the superintendent of which the school board of directors had no notice or knowledge; or

(ii) A material misrepresentation made by the superintendent concerning the school district’s finances that the school board of directors relied upon to the detriment of the school district;

(B) Exhausted all appeals of the department’s decision regarding the fiscal distress determination;

(2) The superintendent was provided:

(A) Notice of the reason for termination;

(B) A hearing to allow the superintendent to explain or rebut the reasons stated in the notice; and

(C) A record of the hearing provided at the expense of the school district; and

(3) The superintendent's contract was terminated by a majority vote of the full school board of directors after the hearing described in subdivision (b)(2) of this section.

History. Acts 1969, No. 145, § 1; 1969, No. 215, § 1; A.S.A. 1947, §§ 80-1235, 80-1236; Acts 2003, No. 1738, § 2; 2007, No. 617, § 9; 2009, No. 1203, § 1; 2009, No. 1469, § 7; 2011, No. 989, § 32.

Amendments. The 2009 amendment by No. 1203 redesignated (a) and (b) as (a)(1) and (a)(2); deleted "Except as prohibited under subsections (c) and (d) of this section" at the beginning of (a)(1);

inserted present (b); deleted former (c) and (d); and made related and minor stylistic changes.

The 2009 amendment by No. 1469 substituted "A school board" for "Except as prohibited under subsections (c) and (d) of this section, school boards" in (a); and deleted (c) and (d).

The 2011 amendment substituted "licensed" for "certified" in (a)(1).

6-17-302. Public school principals — Qualifications and responsibilities.

(a) The school district board of directors shall employ through written contract public school principals who shall hold valid supervisory or administrative licenses and who shall supervise the operation and management of the school and property as the board of directors shall determine necessary.

(b) The principal shall assume administrative responsibility and instructional leadership, under the supervision of the superintendent and in accordance with the legal rules and regulations of the board of directors, for the planning, management, operation, and evaluation of the educational program of the attendance area to which he or she is assigned.

(c) The principal shall submit recommendations to the superintendent regarding the appointment, assignment, promotion, transfer, and dismissal of all personnel assigned to the attendance area.

(d) The principal shall perform such other duties as may be assigned by the superintendent pursuant to the legal rules and regulations of the board of directors.

History. Acts 1977, No. 255, § 1; A.S.A. 1947, § 80-1235.1; Acts 2011, No. 989, § 33.

Amendments. The 2011 amendment substituted "licenses" for "certificates" in (a).

6-17-306. Leaves of absence.

(a) As used in this section:

(1) "Classified employee" means a person employed by a public school in this state who is not a licensed employee;

(2) "Emergency situations" shall have the same meaning as it is defined in § 21-4-212;

(3) "Fiscal year" shall be the fiscal year now established for the United States Government; and

(4) "Licensed employee" means a teacher or administrator employed by a public school in this state who is required to be licensed by the State Board of Education as a condition of the teacher's or administrator's employment.

(b)(1) A teacher, administrator, or noncertified personnel who is employed by a public school in this state is entitled to a leave of absence for fifteen (15) days plus necessary travel time in any fiscal year for the purpose of participating in:

(A) Military training programs or other official duties made available by the armed forces of this state or any other state, including without limitation the National Guard or a reserve component of the armed forces; or

(B) The civil defense and public health training programs made available by the United States Public Health Service.

(2) To the extent that this leave is not used in a fiscal year, it will accumulate for use in the succeeding fiscal year until it totals fifteen (15) days at the beginning of a fiscal year.

(c)(1) When a licensed employee or a classified employee is granted a leave of absence under this section, he or she shall be entitled to his or her regular salary during the time he or she is away from his or her duties during such leave of absence.

(2) The leave of absence shall be in addition to the regular vacation time allowed the employee.

(d)(1) A licensed employee or a classified employee who is called to duty in an emergency situation by the Governor or by the President shall be granted leave with pay not to exceed thirty (30) working days, after which leave without pay will be granted.

(2) This leave shall be granted in addition to all other leave to which the licensed employee or classified employee is entitled.

(e)(1) During a leave of absence, a licensed employee or a classified employee is entitled to preserve all seniority rights, efficiency or performance ratings, promotional status, retirement privileges, life and disability insurance benefits, and any other rights, privileges, and benefits to which he or she has become entitled.

(2) The period of military service shall, for purposes of computations to determine whether the licensed employee or the classified employee is entitled to retirement under the laws of the State of Arkansas, be deemed continuous service, and the licensed employee or the classified employee shall not be required to make contributions to any retirement fund.

(3) The school district shall continue to contribute its portion of any life and disability insurance premiums during the leave of absence on behalf of the licensed employee or the classified employee, if requested, so that continuous coverage may be maintained.

(f) When a licensed employee or a classified employee is granted military leave for a period of fifteen (15) days per calendar year or fiscal year under this section, the military leave will accumulate for use in succeeding calendar years or fiscal years until it totals fifteen (15) days at the beginning of the calendar year or fiscal year, for a maximum number of military leave days available in any one (1) calendar year or fiscal year to be thirty (30) days.

History. Acts 1989, No. 724, § 1; 1991, No. 673, § 1; 1991, No. 956, § 1; 2009, No. 944, § 1; 2011, No. 989, § 34; 2011, No. 1164, § 1; 2013, No. 1073, § 21.

A.C.R.C. Notes. Pursuant to § 1-2-207, subsection (b) of § 6-17-306 is set out above as amended by Acts 2011, No. 1164, § 1. Subsection (b) was also amended by Acts 2011, No. 989, § 34 to read as follows:

“(b)(1) A licensed employee or a classified employee shall be entitled to take a leave of absence for a period of fifteen (15) days, in addition to necessary travel time, in any fiscal year for the purpose of participating in:

“(A) Military training programs or other official duties made available by the Arkansas National Guard or of the reserve branches of the armed forces; or

“(B) The civil defense and public health training programs made available by the United States Public Health Service.

“(2) To the extent that this leave is not used in a fiscal year, it will accumulate for use in the succeeding fiscal year until it totals fifteen (15) days at the beginning of a fiscal year.”

Amendments. The 2009 amendment deleted (b)(2) and redesignated the subsequent subdivision accordingly.

The 2011 amendment by No. 989 inserted present (a), deleted former (e), and redesignated the remaining subsections accordingly; subdivided and rewrote present (b); substituted “When a licensed employee or a classified employee” for “Whenever any teacher, administrator, or noncertified employee” in (c)(1); substituted “A licensed employee or a classified employee who is” for “Teachers, administrators, and noncertified personnel” in (d)(1); rewrote (d)(2); substituted “a licensed employee or a classified employee is” for “teachers, administrators, and noncertified personnel shall be” in (e)(1); substituted “the licensed employee or the classified employee is” for “such persons may be” in (e)(2); substituted “licensed employee or the classified employee” for “teacher, administrator, or noncertified employee” in (e)(2) and (3); and substituted “When a licensed employee or a classified employee” for “Whenever any teacher, administrator, or noncertified person employed by any public school in this state” in (f).

The 2011 amendment by No. 1164 rewrote (b).

The 2013 amendment substituted “classified” for “certified” in (d)(2).

6-17-309. Licensure — Waiver.

(a)(1) No class of students shall be under the instruction of a teacher who is not licensed to teach the grade level or subject matter of the class for more than thirty (30) consecutive school days in the same class during a school year.

(2) This provision shall not apply to:

(A) Nondegreed vocational-technical teachers;

(B) Those persons approved by the Department of Education to teach the grade level or subject matter of the class in the Department of Education’s distance learning program;

(C) Those persons teaching concurrent credit courses or advanced placement courses who:

(i) Are employed by a postsecondary institution;

- (ii) Meet the qualification requirements of that institution or the Department of Workforce Education; and
- (iii) Are teaching in a course in which credit is offered by an institution of higher education or a technical institute;
- (D) Licensed teachers teaching in the following settings:
 - (i) An alternative learning environment;
 - (ii) A juvenile detention facility;
 - (iii) A residential and day alcohol, drug, and psychiatric facility program;
 - (iv) An emergency youth shelter;
 - (v) A facility of the Division of Youth Services of the Department of Human Services; or
 - (vi) A facility of the Division of Developmental Disabilities Services of the Department of Human Services; and
- (E) A licensed special education teacher teaching two (2) or more core academic subjects exclusively to children with disabilities.
- (b)(1) If this requirement imposes an undue hardship on a school district, the school district may apply to the State Board of Education for a waiver.
- (2) The state board shall develop rules and regulations for granting a waiver.
- (3) Any school district that obtains a waiver shall send written notice of the assignment to the parent or guardian of each student in the classroom no later than the thirtieth school day after the date of the assignment.
- (4) The state board may waive or modify the requirement that an applicant seeking licensure as a special education teacher complete an additional performance-based program of study if the applicant:
 - (A) Is licensed in another state with a special education license or endorsement; and
 - (B) Has taught special education students for not less than five (5) years.

History. Acts 2001, No. 1623, § 1; 2005, No. 2151, § 16; 2007, No. 1007, § 1; 2007, No. 1573, § 22; 2013, No. 1138, § 33.

Amendments. The 2013 amendment substituted "Licensure" for "Certification" in the section heading.

SUBCHAPTER 4 — LICENSURE GENERALLY

SECTION.

- 6-17-402. Rules and regulations.
- 6-17-403. Provisional licensure for teachers trained and licensed in other states.
- 6-17-409. Nontraditional licensure.
- 6-17-410. Teacher licensure — Application, renewal application, revocation, suspension, and probation.

SECTION.

- 6-17-411. Criminal records check as a condition for initial employment of licensed personnel.
- 6-17-412. National Board for Professional Teaching Standards certification.
- 6-17-413. National Board for Professional Teaching Standards certi-

SECTION.

- fication funding — Bonuses.
- 6-17-414. Criminal records check as a condition for initial employment of nonlicensed personnel.
- 6-17-415. Criminal records check and Child Maltreatment Central Registry check for existing nonlicensed employees.
- 6-17-416. Criminal records check and Child Maltreatment Central Registry check of employees of more than one school district.
- 6-17-418. Teacher licensure — Arkansas history requirement.

SECTION.

- 6-17-421. Criminal records check for fraudulent acts.
- 6-17-422. Professional Licensure Standards Board.
- 6-17-423. Professional development after retirement.
- 6-17-424. Administrator licensure for counselors — Eligibility.
- 6-17-425. Subpoena powers.
- 6-17-426. Repeat audit findings — Review by the Professional Licensure Standards Board.
- 6-17-427. Superintendent license — Superintendent mentoring program required.
- 6-17-428. Ethical violations.

Effective Dates. Acts 2009, No. 938, § 2: Apr. 6, 2009. Emergency clause provided: "It is found and determined by the General Assembly of the State of Arkansas that having qualified teachers and administrators in public school districts is essential to providing a free and adequate public education system; that the current provisions for proceedings on ethics complaints under the code of ethics for educators do not provide for the confidentiality of certain documents and proceedings; and that this act is immediately necessary because the release of information before there has been a final adverse adjudication could irreparably damage the reputation of an educator, resulting in a school district's losing a qualified teacher or administrator. Therefore, an emergency is declared to exist and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on: (1) The date of its approval by the Governor; (2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time

during which the Governor may veto the bill; or (3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto."

Acts 2009, No. 1283, § 2: Apr. 9, 2009. Emergency clause provided: "It is found and determined by the General Assembly of the State of Arkansas that the law does not provide subpoena power for the State Board of Education or the Professional Licensure Standards Board; that the State Board of Education and the Professional Licensure Standards Board are unable to fully implement their duties due to lack of subpoena. Therefore, an emergency is declared to exist and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on: (1) The date of its approval by the Governor; (2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or (3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto."

6-17-402. Rules and regulations.

(a) The State Board of Education shall issue the license of a classroom teacher, an administrator, a guidance counselor, or a library media specialist.

(b)(1) The State Board of Education shall promulgate rules and regulations for the issuance, licensure, relicensure, and continuance of licensure of teachers in the public schools of this state.

(2)(A) In addition to other requirements, any person applying for initial licensure as a teacher or administrator in the public schools or a licensed teacher or administrator applying for a license in an additional area shall take and complete a test recognized by the National Council for Accreditation of Teacher Education and approved by the State Board of Education and submit the scores to the Department of Education.

(B) No applicant for initial licensure or licensure in an additional area shall receive a license after July 1, 2007, unless the applicant scores at or above the minimum level set by the State Board of Education that is consistent with the recommendations of the Professional Licensure Standards Board.

(C) All colleges and universities in this state shall report the results of the examinations to the department upon request.

(c) The State Board of Education shall not delegate to any college or university any of the State Board of Education's powers or duties pertaining to the issuance, licensure, relicensure, and continuance of licensure of teachers in public schools in this state.

(d) The State Board of Education shall waive the examination requirements under subsection (b) of this section for individuals applying for licensure in Arkansas who have a valid out-of-state teaching license and three (3) years' documented teaching experience as required by the rules promulgated by the State Board of Education.

(e) [Repealed.]

History. Acts 1979, No. 162, § 1; 1981, No. 814, § 1; 1983, No. 736, § 1; 1983 (Ex. Sess.), No. 5, § 1; 1985, No. 746, § 1; 1985, No. 1082, § 1; A.S.A. 1947, § 80-1201; Acts 1989, No. 414, § 1; 2003, No. 754, § 1; 2005, No. 2151, § 2; 2007, No.

169, § 3; 2007, No. 846, § 1; 2011, No. 989, § 35; 2013, No. 1073, § 22.

Amendments. The 2011 amendment rewrote (a).

The 2013 amendment repealed (e).

6-17-403. Provisional licensure for teachers trained and licensed in other states.

(a) The State Board of Education may issue a one-year nonrenewable provisional license to any teacher who seeks Arkansas licensure and is trained in and licensed by a state other than Arkansas.

(b)(1) Any person who has not successfully completed the licensure examination designated by the state board under § 6-17-601 et seq. and who has not previously held an Arkansas license but meets degree, course work, and experience requirements for a standard license and who otherwise qualifies to teach in the public schools of this state may receive a one-year nonrenewable provisional license and be employed by any public school district in this state for a period not to exceed one (1) year.

(2) A school district that hires a teacher who has not successfully completed the examination shall not be penalized by the state board provided that the length of employment of the teacher while nonlicensed does not exceed one (1) year.

(c) The state board shall issue a standard five-year teaching license to an individual who furnishes the Department of Education proof of the following:

(1) A valid, standard teaching license or its Arkansas equivalent that:

(A) Was issued in another state; and

(B) Has been in good standing during the most recent two (2) years of the applicant's teaching experience;

(2) Successful completion of the criminal records checks and Child Maltreatment Central Registry check under § 6-17-410;

(3) Higher education transcripts evidencing the award of at least a baccalaureate degree;

(4) Reports evidencing test scores required for licensing by the licensing state, unless the individual has three (3) years of documented teaching experience;

(5) Reports evidencing passing test scores on the appropriate basic-skills assessment mandated by the state board for educator licensure or its substantial equivalent, unless the individual has three (3) years of documented teaching experience;

(6) Completion of a program for:

(A) Teacher education at a regionally accredited institution of higher education;

(B) Teacher education accredited by the National Council for Accreditation of Teacher Education, Teacher Education Accreditation Council, or Council for the Accreditation of Educator Preparation; or

(C) Certification from the National Board for Professional Teaching Standards; and

(7) Payment of applicable licensure fees.

History. Acts 1979, No. 162, § 1; 1985, No. 1082, § 1; A.S.A. 1947, § 80-1201; Acts 1989, No. 307, § 1; 2005, No. 2151, § 3; 2011, No. 989, § 36; 2011, No. 1178, § 1; 2013, No. 454, § 1; 2013, No. 1073, § 23.

Amendments. The 2011 amendment by No. 989, in the section head and throughout the section, substituted "licensure" for "certification," "licensed" for "certified," and "license" for "certificate"; substituted "licensure" for "National Teacher's Examination or a similar" in (b)(1); and substituted "nonlicensed" for "noncertified" in (b)(2).

The 2011 amendment by No. 1178, throughout the section, substituted "li-

cense" for "certificate," "licensed" for "certified," and "licensure" for "certification"; substituted "an examination" for "the National Teacher's Examination or a similar examination" in (a); substituted "nonlicensed" for "noncertified" in (b)(2); and added (c).

The 2013 amendment by No. 454 added "unless the individual has three (3) years of documented teaching experience" in (c)(4); inserted (c)(5) and redesignated the remaining subdivisions accordingly.

The 2013 amendments by Nos. 454 and 1073 added "Teacher Education Accreditation Council, or Council for the Accreditation of Educator Preparation" in (c)(6)(B).

6-17-409. Nontraditional licensure.

(a) The State Board of Education may offer and operate a nontraditional licensure program.

(b)(1) The Department of Education may provide grants of financial assistance to entities that train individuals seeking to obtain nontraditional licensure through the nontraditional licensure process administered by the department.

(2) The department shall pay the grants from funds appropriated by the General Assembly to the department for such purpose.

(c) The state board shall promulgate rules and regulations to determine eligibility for and amount of awards of the grants concerning the operation of the nontraditional licensure program authorized by this section and for such other purposes as may be necessary in carrying out the intent of this section.

(d) If the state board requires an applicant for nontraditional licensure to complete one (1) or more additional college-level courses and the applicant has obtained a bachelor's degree, the required course or courses shall meet one (1) or more of the following conditions:

(1)(A) Each course shall be offered at every state-supported, two-year institution of higher education.

(B) If more than one (1) course is required, all courses shall be offered in a one-semester block; or

(2) Each course shall be available as an online course, a traditional face-to-face course, or a hybrid course that is part online instruction and part face-to-face instruction, as approved by the department.

(e)(1) As used in this subsection, "accelerated teaching program" means a program intended for college graduates that provides intensive training and support for a period of two (2) or more years for teaching and leading in schools.

(2) The state board shall issue a standard five-year teaching license to an applicant if the applicant has:

(A) Either:

(i) Successfully completed an accelerated teaching program, including:

(a) The Teach For America program;

(b) The Arkansas Teacher Corps program offered by the University of Arkansas at Fayetteville; or

(c) Another accelerated teaching program approved by the department; or

(ii) Been awarded a master's degree in teaching from an accredited program at an institution of higher education; and

(B) Successfully completed the criminal records checks and Child Maltreatment Central Registry check under § 6-17-410.

(3) The state board shall issue to an applicant who is in an accelerated teaching program a provisional teaching license valid for the entire period that the applicant is:

(A) Participating in the accelerated teaching program; and

(B) Teaching in an Arkansas public school.

(4) The state board may require an applicant who meets the criteria of subdivision (e)(2) of this section to submit proof of the following academic eligibility:

(A) Passing scores, as set by the state board, on state-required basic-skills, pedagogical, and content-area assessments, or their substantial equivalents; and

(B)(i) If required by state board rules for the grade level and content area for which the applicant seeks licensure, successful completion of courses in Arkansas history or reading and writing in content areas, or both.

(ii) An applicant who has successfully completed an accelerated teaching program is exempt from the requirement of courses in reading and writing in content areas.

(5) No academic or experience requirements for obtaining an Arkansas teaching license in addition to those identified in this subsection (e) shall be imposed on an applicant who otherwise meets the requirements of this subsection (e) by:

(A) The state board;

(B) The department; or

(C) An Arkansas state-funded college or university.

(f)(1) The state board shall issue a nonrenewable three-year provisional professional teaching license to an applicant who submits to the department the following:

(A) Higher education transcripts evidencing the award of at least a baccalaureate degree;

(B) Evidence of a minimum of three (3) years of employment experience in the content area that the applicant seeks to teach;

(C) Evidence of an offer of employment to teach classes for credit in an Arkansas public school;

(D) A statement of justification from the applicant relating the applicant's experience to teaching in the content area in which the applicant seeks to teach;

(E) Two (2) professional letters of recommendation submitted by the applicant's references;

(F) Passing scores on the state-required basic-skills and content knowledge tests for the content area in which the applicant seeks to teach; and

(G) Successful completion of the criminal background checks and Child Maltreatment Central Registry check under § 6-17-410.

(2)(A) An individual who receives a three-year provisional teaching license under this subsection shall have in the first year of provisional licensure twenty-four (24) hours of training in pedagogy as determined by the Department of Education.

(B) The twenty-four (24) hours of training in pedagogy are in addition to and not considered a part of the sixty (60) hours of professional development required for teachers by their employing school district or public school.

(3) At the end of each year of provisional licensure, the licensee shall undergo a summative evaluation as required by Arkansas law.

(4) At the end of three (3) years of provisional licensure, the state board shall issue a standard five-year teaching license to the licensee if the licensee:

(A) Submits passing scores on the state-required pedagogical assessment or its substantial equivalent for the content area in which the applicant seeks to teach;

(B) Is identified by the employing school district as proficient or above on a summative evaluation under § 6-17-2805 for the third year of provisional licensure; and

(C) Is recommended for full licensure by the superintendent of the employing school district.

History. Acts 1991, No. 308, § 1; 2005, No. 2151, § 17; 2007, No. 704, § 1; 2011, No. 989, § 37; 2011, No. 1178, § 2; 2013, No. 413, § 1; 2013, No. 454, §§ 2, 3.

A.C.R.C. Notes. Pursuant to § 1-2-207, § 6-17-409 is set out above as amended by Acts 2011, No. 1178, § 2. Section 6-17-409 was also amended by Acts 2011, No. 989, § 37, to read as follows:

“6-17-409. Nontraditional licensure.

“(a) The Department of Education may offer and operate a nontraditional licensure program.

“(b) The department is hereby authorized to provide grants of financial assistance to entities that train individuals seeking to obtain nontraditional licensure through the nontraditional licensure process administered by the department. The department shall pay the grants from funds appropriated by the General Assembly to the department for such purpose.

“(c) The State Board of Education may promulgate rules and regulations to determine eligibility for and amount of awards of the grants concerning the operation of the nontraditional licensure program authorized by this section and for such other purposes as may be necessary in carrying out the intent of this section.

“(d) If the rules require an applicant for nontraditional licensure to complete one (1) or more additional college-level courses and the applicant has obtained a bachelor’s degree, the required course or courses shall meet one (1) or more of the following conditions:

“(1)(A) Each course shall be offered at every state-supported, two-year institution of higher education.

“(B) If more than one (1) course is required, all courses shall be offered in a one-semester block; or

“(2) Each course shall be available as an online course, a traditional face-to-face course, or a hybrid course that is part online instruction and part face-to-face instruction, as approved by the department.”

Although the 2013 amendment did not include the language in subdivision (e)(5), the context indicated that the subdivision was to be retained.

Amendments. The 2011 amendment by No. 989 deleted “certification” following “licensure” in the section head, twice in (b), and in (d); substituted “State Board of Education may” for “department is hereby authorized to” in (e); and substituted “rules require” for “department requires” in (d).

The 2011 amendment by No. 1178 substituted “State Board of Education” for “Department of Education” in (a); substituted “Department of Education” for “department” in (b)(1); substituted “licensure” for “certification” in (b)(1) and (d); substituted “state board shall” for “department is hereby authorized to” in (c); substituted “state board” for “department” in (d); and added (e) and (f).

The 2013 amendment by No. 413 inserted present (e)(1) and redesignated the remaining subdivisions accordingly; rewrote present (e)(2); substituted “an accelerated teaching” for “the Teach for America” in (e)(3); substituted “Participating in the accelerated teaching” for “In the Teach for America” in (e)(3)(A); substituted “and accelerated teaching” for “the two-year Teach for America” in (e)(4)(B)(ii).

The 2013 amendment by No. 454 inserted “basic-skills” and “or their substantial equivalents” in (e)(4)(A); in (e)(4)(B)(i), inserted “state board rules for” and substituted “reading and writing in content areas” for “Methods of Teaching Reading”; inserted “nonrenewable” in the

introductory language of (f)(1); in (f)(1)(F), inserted “state-required basic-skills” and deleted “and “pedagogical” preceding “test”; rewrote (f)(2); substituted “each year” for “three (3) years” in (f)(3); and rewrote (f)(4).

6-17-410. Teacher licensure — Application, renewal application, revocation, suspension, and probation.

(a)(1)(A)(i) An applicant for a license issued by the State Board of Education and an applicant for license renewal shall be required to apply to the Identification Bureau of the Department of Arkansas State Police for a statewide and nationwide criminal records check, to be conducted by the Department of Arkansas State Police and the Federal Bureau of Investigation.

(ii) The check shall conform to the applicable federal standards and shall include the taking of fingerprints.

(iii) The Identification Bureau of the Department of Arkansas State Police may maintain these fingerprints in the automated fingerprint identification system.

(iv) The Federal Bureau of Investigation shall promptly destroy the fingerprint card of the applicant.

(B) The applicant shall sign a release of information to the Department of Education and shall be responsible for the payment of any fee associated with the criminal records check.

(2) Upon completion of the criminal records check, the Identification Bureau of the Department of Arkansas State Police shall forward all releasable information obtained concerning the applicant to the Department of Education.

(3)(A) An applicant for a license issued by the State Board of Education and an applicant for license renewal shall be required to request through the Department of Education a Child Maltreatment Central Registry check to be conducted by the Department of Human Services.

(B) The applicant shall sign a release of information to the Department of Education and is responsible for the payment of any fee associated with the Child Maltreatment Central Registry check.

(C) The Department of Human Services shall forward all releasable information concerning the applicant to the Department of Education upon completion of the Child Maltreatment Central Registry check.

(b)(1) The state board may issue a six-month nonrenewable letter of provisional eligibility for licensure pending the results of the criminal records check and the Child Maltreatment Central Registry check. However, the Commissioner of Education may extend the period of provisional eligibility to the end of that contract year if:

(A) The applicant is employed by a school district or open-enrollment public charter school; and

(B) The results of the criminal records check or the Child Maltreatment Central Registry check are delayed.

(2) Upon receipt of information from the Identification Bureau of the Department of Arkansas State Police that the person holding a letter of provisional eligibility for licensure has pleaded guilty or nolo contendere to or has been found guilty of any offense listed in subsection (c) of this section, the state board shall immediately revoke the provisional eligibility.

(3) If the Department of Education receives information from the Department of Human Services that the person holding a letter of provisional eligibility for teacher licensure has a true report in the Child Maltreatment Central Registry, the State Board of Education shall immediately revoke the provisional eligibility of the teacher licensure applicant.

(c) The state board shall not issue a first-time license nor renew an existing license and shall revoke any existing license not up for renewal of any person who has a true report in the Child Maltreatment Central Registry or has pled guilty or nolo contendere to or has been found guilty of any of the following offenses by any court in the State of Arkansas or of any similar offense by a court in another state or of any similar offense by a federal court:

(1) Capital murder as prohibited in § 5-10-101;

(2) Murder in the first degree as prohibited in § 5-10-102 and murder in the second degree as prohibited in § 5-10-103;

(3) Manslaughter as prohibited in § 5-10-104;

(4) Battery in the first degree as prohibited in § 5-13-201 and battery in the second degree as prohibited in § 5-13-202;

(5) Aggravated assault as prohibited in § 5-13-204;

(6) Terroristic threatening in the first degree as prohibited in § 5-13-301;

(7) Kidnapping as prohibited in § 5-11-102;

(8) Rape as prohibited in § 5-14-103;

(9) Sexual assault in the first degree, second degree, third degree, and fourth degree as prohibited in §§ 5-14-124 — 5-14-127;

(10) Incest as prohibited in § 5-26-202;

(11) Engaging children in sexually explicit conduct for use in visual or print media, transportation of minors for prohibited sexual conduct, employing or consenting to the use of a child in a sexual performance, or producing, directing, or promoting a sexual performance by a child as prohibited in §§ 5-27-303, 5-27-305, 5-27-402, and 5-27-403;

(12) Distribution to minors as prohibited in § 5-64-406;

(13) Any felony in violation of the Uniform Controlled Substances Act, § 5-64-101 et seq.;

(14) Sexual indecency with a child as prohibited in § 5-14-110;

(15) Endangering the welfare of a minor in the first degree as prohibited in § 5-27-205;

(16) Pandering or possessing visual or print medium depicting sexually explicit conduct involving a child as prohibited by § 5-27-304;

(17) False imprisonment in the first degree as prohibited in § 5-11-103;

(18) Permanent detention or restraint as prohibited in § 5-11-106;

(19) Permitting abuse of a child as prohibited in § 5-27-221(a);

(20) Negligent homicide as prohibited by § 5-10-105(a);

(21) Assault in the first degree as prohibited by § 5-13-205;

(22) Coercion as prohibited by § 5-13-208;

(23) Public sexual indecency as prohibited by § 5-14-111;

(24) Indecent exposure as prohibited by § 5-14-112;

(25) Endangering the welfare of a minor in the second degree as prohibited by § 5-27-206;

(26) Criminal attempt, criminal solicitation, or criminal conspiracy as prohibited in §§ 5-3-201, 5-3-202, 5-3-301, and 5-3-401, to commit any of the offenses listed in this subsection;

(27) Computer child pornography as prohibited in § 5-27-603;

(28) Computer exploitation of a child in the first degree as prohibited in § 5-27-605;

(29) Felony theft as prohibited in §§ 5-36-103 — 5-36-106 and § 5-36-202;

(30) Robbery as prohibited by §§ 5-12-102 and 5-12-103;

(31) Breaking or entering as prohibited by § 5-39-202;

(32) Burglary as prohibited by § 5-39-201 and aggravated residential burglary as prohibited by § 5-39-204;

(33) Forgery as prohibited by § 5-37-201;

(34) Video voyeurism as prohibited by § 5-16-101;

(35) Domestic battering in the first degree as prohibited by § 5-26-303;

(36) Domestic battering in the second degree as prohibited by § 5-26-304;

(37) Felony violation of an order of protection as prohibited by § 5-53-134;

(38) Prostitution as prohibited by § 5-70-102;

(39) Sexual solicitation as prohibited by § 5-70-103;

(40) Promoting prostitution in the first degree as prohibited by § 5-70-104;

(41) Promoting prostitution in the second degree as prohibited by § 5-70-105;

(42) Stalking as prohibited by § 5-71-229;

(43) Failure to notify by a mandated reporter in the first degree as prohibited by § 12-18-201; and

(44) Any felony not listed in this subsection and involving physical or sexual injury, mistreatment, or abuse against another.

(d)(1) For the purposes of this subsection:

(A) "Cause" means any of the following:

(i) Holding a license obtained by fraudulent means;

(ii) Revocation of a license in another state;

(iii) Intentionally compromising the validity or security of any student test or testing program administered by or required by the state board or the Department of Education;

(iv) Having the completed examination test score of any testing program required by the state board for teacher licensure declared invalid by the testing program company and so reported to the Department of Education by the testing company;

(v) Having an expunged or a pardoned conviction for any sexual or physical abuse offense committed against a child or any offense in subsection (c) of this section;

(vi) Failing to establish or maintain the necessary requirements and standards set forth in Arkansas law or state board rules and regulations for teacher licensure;

(vii) Knowingly submitting or providing false or misleading information or knowingly failing to submit or provide information requested or required by law to the Department of Education, the state board, or the Division of Legislative Audit;

(viii) Knowingly falsifying or directing another to falsify any grade given to a student, whether the grade was given for an individual assignment or examination or at the conclusion of a regular grading period; or

(ix) Having a true report in the Child Maltreatment Central Registry; and

(B) "Child" means a person under twenty-one (21) years of age or enrolled in the public schools of the State of Arkansas.

(2) For cause as stated in this subsection, the state board is authorized to:

(A) Revoke a license permanently;

(B) Suspend a license for a terminable period of time or indefinitely; or

(C) Place a person on probationary status for a terminable period of time with the license to be revoked or suspended if the probationary period is not successfully completed.

(e)(1) Before taking an action under subsections (c) or (d) of this section, the state board shall provide a written notice of the reason for the action and shall afford the person against whom the action is being considered the opportunity to request a hearing.

(2) A written request for a hearing must be received by the state board no more than thirty (30) days after the notice of the denial, nonrenewal, or revocation of the license is received by the person who is the subject of the proposed action.

(3) Upon written notice that a revocation, suspension, or probation is being sought by the state board for a cause set forth, a person may:

(A) Decline to answer the notice, in which case the state board shall hold a hearing to establish by a preponderance of the evidence that cause for the proposed action exists;

(B)(i) Contest the complaint and request a hearing in writing, in which case the person shall be given an evidentiary hearing before the state board if one is requested.

(ii) If the person requesting the hearing fails to appear at the hearing, the hearing shall proceed in the manner described in subdivision (e)(3)(A) of this section;

(C) Admit the allegations of fact and request a hearing before the state board in mitigation of any penalty that may be assessed; or

(D) Stipulate or reach a negotiated agreement, which must be approved by the state board.

(f)(1) The revocation provisions of subsection (c) of this section may be waived, or a license may be suspended or placed on probation by the state board upon request by:

(A) The board of directors of a school district or open-enrollment public charter school;

(B) An affected applicant for licensure;

(C) The person holding a license subject to revocation; or

(D) An unlicensed individual admitted to a teacher preparation program approved by the Department of Education.

(2) Circumstances for which a waiver may be granted shall include without limitation the following:

(A) The age at which the crime or incident was committed;

(B) The circumstances surrounding the crime or incident;

(C) The length of time since the crime or incident;

(D) Subsequent work history;

(E) Employment references;

(F) Character references; and

(G) Other evidence demonstrating that the applicant does not pose a threat to the health or safety of school children or school personnel.

(3)(A) An unlicensed individual who is disqualified from licensure by subsection (c) of this section may apply for a waiver prior to applying for licensure by submitting to the Department of Education:

(i) Written request for a hearing;

(ii) Proof of acceptance or enrollment in a teacher preparation program approved by the Department of Education; and

(iii) Written recommendation from the teacher preparation program.

(B) If the state board approves a waiver after a hearing, the individual may obtain a license only upon:

(i) Successful completion of the teacher preparation program; and

(ii) Fulfillment of all other requirements for licensure.

(C) A waiver granted under subdivision (f)(3)(A) of this section also shall operate as a waiver under § 6-17-414 for an unlicensed individual to work for a school district as a student teacher.

(g)(1) The superintendent of each school district or open-enrollment public charter school shall report to the state board the name of any person holding a license issued by the state board and currently employed or employed during the two (2) previous school years by the school district or open-enrollment public charter school who:

(A) Has pleaded guilty or nolo contendere to or has been found guilty of a felony or any misdemeanor listed in subsection (c) of this section;

(B) Holds a license obtained by fraudulent means;

(C) Has had a similar license revoked in another state;

(D) Has intentionally compromised the validity or security of any student test or testing program administered or required by the Department of Education;

(E) Has knowingly submitted falsified information or failed to submit information requested or required by law to the Department of Education, the state board, or the division;

(F) Has failed to establish or maintain the necessary requirements and standards set forth in Arkansas law or Department of Education rules for teacher licensure; or

(G) Has a true report in the Child Maltreatment Central Registry.

(2) Failure of a superintendent to report information as required by this subsection may result in sanctions imposed by the state board.

(h)(1) Any information received by the Department of Education from the Identification Bureau of the Department of Arkansas State Police or the Department of Human Services pursuant to subsection (a) of this section shall not be available for examination except by the affected applicant for licensure or his or her duly authorized representative, and no record, file, or document shall be removed from the custody of the Department of Education.

(2) Any information made available to the affected applicant for licensure or the person whose license is subject to revocation shall be information pertaining to that applicant only.

(3) Rights of privilege and confidentiality established under this section shall not extend to any document created for purposes other than this background check.

(i) The state board shall adopt the necessary rules to fully implement the provisions of this section.

History. Acts 1995, No. 1310, § 1; 1997, No. 1272, § 2; 1997, No. 1313, § 2; 1999, No. 226, § 1; 2001, No. 752, § 1; 2003, No. 1087, § 9; 2003, No. 1389, § 1; 2003, No. 1738, § 3; 2005, No. 2151, § 5; 2007, No. 1573, § 23; 2009, No. 376, § 24; 2009, No. 1173, §§ 1–8; 2013, No. 455, § 1.

Amendments. The 2009 amendment by No. 376 inserted “and aggravated residential burglary as prohibited by § 5-39-204” in (c)(32).

The 2009 amendment by No. 1173 inserted (a)(3); inserted “and the child maltreatment central registry check” in (b)(1); inserted “or the child maltreatment central registry check” in (b)(1)(B); and added (b)(3); substituted “a true report in the child maltreatment central registry or has pled” for “has pleaded” in the introductory language of (c); inserted (d)(1)(A)(ix); inserted “or incident” in (f)(2)(A), (f)(2)(B), and (f)(2)(C); inserted (g)(1)(G); inserted “or the Department of Human Services” in

(h)(1); and made related and minor stylistic changes.

The 2013 amendment substituted “Application” for “First-time applicant” in the section heading; in (a)(1)(A)(i) and (a)(3)(A), substituted “An” for “Each first-time” and “an applicant for license renewal” for “each applicant for his or her first license renewal on or after July 1, 1997”; deleted former (a)(1)(C); substituted “is” for “shall be” in (a)(3)(B); deleted “to a first-time applicant” following “licensure” in the introductory language of (b)(1); substituted “school district or open-enrollment public charter school” for “local school district” in (b)(1)(A) and (f)(1)(A); inserted (c)(34) through (c)(43) and redesignated the remaining subdivision accordingly; substituted “the state board shall hold a hearing” for “a hearing shall be held before the state board” in (e)(3)(A); added (f)(1)(D) and (f)(3); and inserted “or open-enrollment public charter school” twice in the introductory language of (g)(1).

CASE NOTES

ANALYSIS

Construction.
Waiver.

Construction.

When construing subsection (c) of this section just as it reads and giving meaning and effect to every word within the statute, it is clear that the General Assembly intended for all who have pled guilty or nolo contendere to a disqualifying offense to be prohibited from receiving a teaching license, regardless of whether the individual's record has since been expunged; by referencing both those who have pled guilty or nolo contendere in addition to those who have been found guilty, the General Assembly intended to include those whose records have been expunged as those ineligible for licensure due to criminal conduct. *Landers v. Ark. Dep't of Educ.*, 2010 Ark. App. 312, 374 S.W.3d 795 (2010).

Waiver.

Circuit court did not err in affirming the decision of the Arkansas State Board of Education to deny an applicant's waiver

request for a certified teacher's license pursuant to subsection (c) of this section because given the plain meaning of subdivision (d)(1)(A)(v), there was no abuse of discretion in the Board's decision that the phrase "expunged or pardoned conviction" related to both any sexual or physical abuse offense committed against a child and any offense in subsection (c). *Landers v. Ark. Dep't of Educ.*, 2010 Ark. App. 312, 374 S.W.3d 795 (2010).

Substantial evidence support the decision of the Arkansas State Board of Education to deny an applicant's waiver request for a certified teacher's license pursuant to subsection (c) of this section because the Board considered all the evidence presented and expressed concern over the applicant's character due to her criminal conduct and lack of remorse; the Board noted a lack of support from the applicant's employer, a school district superintendent, and recognized that her proposed area of licensure, pre-kindergarten through grade four, was not a high-need area of certification. *Landers v. Ark. Dep't of Educ.*, 2010 Ark. App. 312, 374 S.W.3d 795 (2010).

6-17-411. Criminal records check as a condition for initial employment of licensed personnel.

(a)(1)(A) Except as provided in subdivision (a)(1)(B) of this section, the board of directors of an educational entity shall require as a condition for initial employment by the educational entity that any person holding a license issued by the State Board of Education and making application for employment authorize release to the Department of Education the results of:

(i) Statewide and nationwide criminal records checks by the Identification Bureau of the Department of Arkansas State Police, which conform to the applicable federal standards and include the taking of the applicant's fingerprints; and

(ii) The Child Maltreatment Central Registry check by the Department of Human Services.

(B)(i) The board of directors of a school district created by consolidation, annexation, or detachment may waive the requirements under subdivision (a)(1)(A) of this section for personnel who were employed by the affected district immediately prior to the annexation, consolidation, or detachment and who had a complete criminal background check conducted as a condition of the person's most recent employment with the affected district as required under this section.

(ii) As used in subdivision (a)(1)(B)(i) of this section, "affected district" means a school district that loses territory or students as a result of annexation, consolidation, or detachment.

(2) Unless the employing educational entity's board of directors has taken action to pay for the cost of criminal background checks or the Child Maltreatment Central Registry checks required by this section, the employment applicant shall be responsible for the payment of any fee associated with the criminal records check and the Child Maltreatment Central Registry check.

(3) At the conclusion of the criminal records check required by this section, the Identification Bureau of the Department of Arkansas State Police may maintain the fingerprints in the automated fingerprint identification system.

(4)(A) Any information received by the Department of Education from the Identification Bureau of the Department of Arkansas State Police or the Department of Human Services pursuant to this section shall not be available for examination except by the affected applicant for employment or his or her duly authorized representative, and no record, file, or document shall be removed from the custody of the Department of Education.

(B) Any information made available to the affected applicant for employment shall be information pertaining to that applicant only.

(C) Rights of privilege and confidentiality established under this section shall not extend to any document created for purposes other than this background check.

(5) The Department of Education shall promptly inform the board of directors of the educational entity whether or not the affected applicant is eligible for employment as provided by subsection (b) of this section.

(b)(1)(A) No person holding a license from the state board shall be eligible for employment by an educational entity if the results of the criminal records check released to the Department of Education by the applicant reveal that the applicant has pleaded guilty or nolo contendere to or has been found guilty of any offense that will or may result in license revocation by the state board under § 6-17-410, unless the state board waives revocation.

(B) No person holding a license issued by the state board shall be eligible for employment by an educational entity if the results of the Child Maltreatment Central Registry check released to the Department of Education reveal that the applicant has a true report in the Child Maltreatment Central Registry, unless the state board waives revocation under § 6-17-410.

(2) However, the board of directors of an educational entity is authorized to offer provisional employment to the affected applicant pending receipt of eligibility information from the Department of Education.

(c) As used in this section, "educational entity" means a school district, open-enrollment public charter school, education service cooperative, or the Department of Education.

History. Acts 1997, No. 1313, § 3; 2003, No. 42, § 1; 2005, No. 2151, § 6; 2009, No. 1173, §§ 9–12; 2013, No. 455, § 2.

Amendments. The 2009 amendment inserted (a)(1)(A)(ii); inserted “or the child maltreatment central registry checks” and “and the child maltreatment central registry check” in (a)(2); inserted “or the Department of Human Services” in (a)(4)(A); inserted (b)(1)(B) and redesignated the existing text of (b)(1) accordingly; and made related and minor stylistic changes.

The 2013 amendment substituted “educational entity” for “local school district” and “school district” throughout; deleted “local” preceding “school district” in (a)(1)(B)(i); inserted “subdivision (a)(1)(B)(i) of” in (a)(1)(B)(ii); added “unless the state board waives revocation” at the end of (b)(1)(A); added “unless the state board waives revocation under § 6-17-410” at the end of (b)(1)(B); and added (c).

6-17-412. National Board for Professional Teaching Standards certification.

(a) As used in this section and § 6-17-413:

(1) “Classroom teacher” means an individual who is required to hold a teaching license from the Department of Education and who is engaged directly in instruction with students in a classroom setting for more than seventy percent (70%) of the individual’s contracted time;

(2) “National board” means the National Board for Professional Teaching Standards;

(3) “Starting bonus” means a one-time bonus given during the school year in which an individual first obtains national board certification; and

(4) “Yearly bonus” means a bonus that is given once every school year following the year of initial certification.

(b) The national board was established in 1987 as an independent nonprofit organization to establish high and rigorous standards for teachers, to develop and operate a national voluntary system to assess and certify teachers who meet these standards, and to advance related education reforms for the purpose of improving student learning in the United States. In order to apply for the national board certification process, the national board requires teachers to have three (3) years or more of teaching experience, to have graduated from an accredited college or university, and to possess a valid state teaching license. A teacher may become national board certified by successfully completing a year-long certification process in which the teacher must develop a portfolio of student work and videotapes of teaching and learning activities for national board review, participate in the national board assessment center simulation exercises, and successfully pass an examination testing content knowledge.

(c)(1) The State Board of Education may issue a standard Arkansas teaching license to any teacher, building-level principal, or building-level assistant principal trained in and licensed by a state other than Arkansas who seeks Arkansas licensure and who has received national board certification from the national board while teaching in a state other than Arkansas.

(2) Any applicant under subdivision (c)(1) of this section who seeks employment as an Arkansas teacher, building-level principal, or building-level assistant principal shall not have to comply with § 6-17-402 or § 6-17-403 but shall comply with § 6-17-410.

History. Acts 1997, No. 1225, § 1; 2001, No. 1060, § 1; 2011, No. 989, § 38.

Amendments. The 2011 amendment, in (c)(1), substituted "license" for "certificate," "licensed" for "certified," and "licen-

sure" for "certification"; and substituted "under subdivision (c)(1) of this section" for "meeting this description seeking initial certification in Arkansas" in (c)(2).

6-17-413. National Board for Professional Teaching Standards certification funding — Bonuses.

(a)(1)(A) The Department of Education shall pay the full amount of the participation fee of the National Board for Professional Teaching Standards and provide, if determined to be necessary by the department, substitute pay for a maximum of three (3) days of approved paid leave for teachers selected by the State Board of Education to participate in the program of the national board.

(B) A teacher shall have completed at least three (3) years of teaching in the Arkansas public school system before applying for the assistance under this section and § 6-17-412 and shall not have previously received state funding for participation in any certification area in the program of the national board.

(2)(A) The State Board of Education shall promulgate rules and regulations for the selection process of teacher participants in the program of the national board.

(B) The number of teacher participants each year will be determined by the amount of funding available for the program.

(3)(A) The department shall pay a starting incentive bonus of two thousand dollars (\$2,000) upon receiving the certification of the national board and a yearly incentive bonus of two thousand dollars (\$2,000) for every school year for the life of the certificate of the national board to any classroom teacher, building-level principal, or building-level assistant principal who:

(i) Is selected by the State Board of Education to participate in the program of the national board;

(ii) Successfully completes the certification process of the national board;

(iii) Receives certification of the national board; and

(iv) Is, at the time of receiving the bonus:

(a) Employed full time as a classroom teacher, building-level principal, or building-level assistant principal in an Arkansas public school district; or

(b)(1) After working a minimum of three (3) years with national board certification as a classroom teacher, building-level principal, or building-level assistant principal in a public school district, employed full time as a teacher in an accredited teacher preparation program at a state-supported institution of higher education.

(2)(A) Only teachers who hold national board certification on or after August 1, 2009, shall be eligible for a bonus for employment as provided under this subdivision (a)(3)(A)(iv)(b) if funds are available after payments are made to those eligible under subdivisions (a)(3)(A)(iv)(a) and (a)(3)(B)(i).

(B) However, a bonus payment shall not be made retroactive.

(B)(i) A teacher certified by the national board who moves into the state and is employed full time as a classroom teacher, building-level principal, or building-level assistant principal in an Arkansas public school district shall be eligible for the yearly incentive bonus of five thousand dollars (\$5,000) for every school year the person is employed full time as a classroom teacher, building-level principal, or building-level assistant principal in a local public school district for the life of the certificate of the national board.

(ii) A teacher who holds national board certification on or after August 1, 2009, who moves into the state shall be eligible for the yearly incentive bonus of five thousand dollars (\$5,000) for every school year the teacher is employed full time for the life of the certificate of the national board if, after working for three (3) years with national board certification as a classroom teacher, building-level principal, or building-level assistant principal in a public school district in this state, the teacher is employed as a teacher in an accredited teacher preparation program at a state-supported institution of higher education if funds are available after payments are made to those eligible under subdivisions (a)(3)(A)(iv)(a) and (a)(3)(B)(i).

(C) The starting incentive bonus and the yearly incentive set forth in subdivisions (a)(3)(A) and (B) of this section shall increase yearly as follows:

(i) The starting incentive bonus and the yearly incentive for 2003 shall be three thousand dollars (\$3,000);

(ii) The starting incentive bonus and the yearly incentive for 2004 shall be four thousand dollars (\$4,000); and

(iii) The starting incentive bonus and the yearly incentive for 2005 and each year thereafter shall be five thousand dollars (\$5,000).

(D) The increased incentive bonuses provided in this section shall not be retroactive.

(E) No person shall receive a starting bonus and a yearly incentive for the same school year.

(F) A person shall not receive either a starting incentive bonus or a yearly incentive bonus, irrespective of the person's past participation in the certification of the national board, as a teacher, building-level principal, or building-level assistant principal in an Arkansas public school district or teacher in an accredited teacher preparation program at a state-supported institution of higher education if the person:

(i) Leaves the full-time employment of an Arkansas public school district;

(ii) Becomes employed as a school district-level central office administrator;

(iii) Is employed by an Arkansas institution of higher education and does not teach in an accredited teacher preparation program; or

(iv) Is employed by an education service cooperative and does not teach in a classroom with students.

(G) At the time that the national board establishes a certification of the national board for school administrators and an Arkansas school district-level central office administrator becomes certified by the national board, the school district-level central office will be eligible to receive incentive bonuses in the amount awarded to teachers certified by the national board for every year for the life of the administrator certificate of the national board.

(4) The State Board of Education is authorized to promulgate rules and regulations to establish a support program for teachers selected to participate in the program of the national board.

(b)(1) A teacher who receives state moneys for the participation fee of the national board but who does not complete the certification process within three (3) years after the teacher's entry into the certification program of the national board or who becomes certified by the national board but does not teach or serve as a building-level principal or building-level assistant principal in the Arkansas public school system for three (3) continuous school years after receiving the certification by the national board shall repay the department the amount it contributed to the participation fee of the national board and the total amount it contributed to any yearly bonus.

(2) If the teacher, principal, or assistant principal leaves the employment of a public school district before the three (3) continuous years are completed and is employed by an Arkansas institution of higher education or employed by an education service cooperative and the teacher does not teach in a classroom with students, the teacher, principal, or assistant principal shall repay the department the amount it contributed to the participation fee of the national board and the total amount it contributed to any yearly salary bonus.

(3) The State Board of Education may suspend the Arkansas teacher's license of any person that fails, when required to do so, to repay moneys contributed by the department for the certification program of the national board.

(4) Repayment of moneys contributed by the department is not required if, due to the death or disability of the teacher or other extenuating circumstances as may be recognized by the State Board of Education, the teacher does not complete the certification process of the national board or does not teach in the Arkansas public school system for three (3) continuous school years after completing the certification process of the national board.

(c)(1) Provisions of this section and § 6-17-412 shall apply only to the extent that funds are appropriated to the department to pay for these provisions.

(2)(A) For a member of the Arkansas Teacher Retirement System, the department shall withhold any employee contributions when necessary from the incentive bonus and shall send the employee contributions to the system for credit as a part of the member's salary.

(B) The employer contributions shall be provided from funds that are appropriated to the department to pay for the bonuses and shall be sent to the system for credit as employer contributions to match the member's salary.

(d)(1) As used in this subsection, "speech-language pathologist" means a speech-language pathologist who:

(A) Has a master's degree, which includes medical-based training;

(B) Has completed a one-year clinical fellowship;

(C) Has passed the specialty area of the National Teachers Examination; and

(D) Holds a Certificate of Clinical Competence in Speech-Language Pathology from the American Speech-Language-Hearing Association.

(2) By December 1 of each year, the department shall pay a yearly incentive bonus of five thousand dollars (\$5,000) to a speech-language pathologist who:

(A) Holds an Arkansas teaching license in speech-language pathology;

(B) Is a full-time employee of an Arkansas education service cooperative or public school district as a speech-language pathologist at the time of receiving the bonus; and

(C) Is not considered a purchased service contractor but may be employed under a teacher contract subject to renewal under § 6-17-1506.

(3)(A)(i) Bonuses paid to a certified speech-language pathologist under this subsection shall be paid from the funds appropriated and available for bonuses to speech-language pathologists.

(ii) If sufficient funds are not available to pay the full amount of the bonus to each certified speech-language pathologist as provided under this section, the department may reduce the amount of the bonus for each qualified recipient proportionately as necessary to provide a bonus to each qualified speech-language pathologist in an equal amount.

(B) The cost and expenses related to training for or acquisition of the certificate shall not be funded through the program created under this section and § 6-17-412 but shall be the responsibility of the certified speech-language pathologist.

(4) Although a certified speech-language pathologist entitled to a bonus under this subsection will hold a valid Arkansas teaching license in speech-language pathology, references to "teacher" under this section shall mean a classroom teacher as defined under § 6-17-412(a)(1) who is in the program but not a certified speech-language pathologist.

(5)(A)(i) If a speech-language pathologist who receives a bonus under this subsection leaves employment in the Arkansas public school

system before completing three (3) continuous school years of employment, the speech-language pathologist shall repay the department a prorated portion of the bonus received in the school year based on a daily rate for the remainder of a school year in which the speech-language pathologist leaves employment.

(ii) The first year of the three (3) continuous school years is the first year that the speech-language pathologist received a bonus under this subsection (d).

(iii) The daily rate is calculated as the amount of the annual bonus paid to the speech-language pathologist divided by the number of days in the speech-language pathologist's contract.

(B) The State Board of Education may suspend the Arkansas speech-language pathology license of any person who fails to repay the amount of the bonus required to be repaid under this subdivision (d)(5).

(C) Repayment of all or a portion of a bonus under this subdivision (d)(5) is not required if, due to the death or disability of the speech-language pathologist or other extenuating circumstances as may be recognized by the State Board of Education, the speech-language pathologist does not remain employed in the Arkansas public school system for three (3) continuous school years after first receiving the bonus under this subsection.

History. Acts 1997, No. 1225, § 2; 1999, No. 58, § 1; 2001, No. 1060, § 2; 2003, No. 1803, § 1; 2005, No. 1187, § 1; 2009, No. 1326, § 1; 2009, No. 1449, §§ 1-4; 2011, No. 1035, §§ 1, 2.

Amendments. The 2009 amendment by No. 1326 added (c)(2).

The 2009 amendment by No. 1449 inserted (a)(3)(A)(iv)(b) and (a)(3)(B)(ii); substituted "five thousand dollars (\$5,000)" for "two thousand dollars (\$2,000)" in (a)(3)(B)(i); inserted "in an Arkansas public school district or teacher in an accredited teacher preparation program at a state-supported institution of

higher education" in the introductory language of (a)(3)(F); and inserted "and does not teach in an accredited teacher preparation program" in (a)(3)(F)(iii); inserted "or building-level assistant principal" in (b)(1); substituted "three (3)" for "two (2)" in (b)(1), (b)(2), and (b)(4); and made related and minor stylistic changes.

The 2011 amendment added "Bonuses" to the end of the section heading; deleted "certified" preceding "speech-language" in (d)(1); substituted "By December 1 of each year" for "Beginning with the 2005-2006 school year and each school year thereafter" in (d)(2); and added (d)(5).

6-17-414. Criminal records check as a condition for initial employment of nonlicensed personnel.

(a)(1)(A)(i) Except as provided in subdivision (a)(1)(C) of this section, the board of directors of an educational entity shall require as a condition for initial employment or noncontinuous reemployment in a nonlicensed staff position any person making application to apply to the Identification Bureau of the Department of Arkansas State Police for statewide and nationwide criminal records checks, the latter to be conducted by the Federal Bureau of Investigation.

(ii) The checks shall conform to the applicable federal standards and shall include the taking of fingerprints.

(iii) The Identification Bureau of the Department of Arkansas State Police may maintain these fingerprints in the automated fingerprint identification system.

(iv) The Federal Bureau of Investigation shall promptly destroy the fingerprint card of the applicant.

(B) The person shall sign a release of information to the Department of Education. Unless the employing educational entity's board of directors has taken action to pay for the cost of criminal background checks required by this section, the employment applicant shall be responsible for the payment of any fee associated with the criminal records checks.

(C)(i) The board of directors of a school district created by consolidation, annexation, or detachment may waive the requirements under subdivisions (a)(1)(A) and (B) of this section for personnel who were employed by the affected district immediately prior to the annexation, consolidation, or detachment and who had complete criminal background checks conducted as a condition of the person's most recent employment with the affected district as required under this section.

(ii) As used in subdivision (a)(1)(C)(i) of this section, "affected district" means a school district that loses territory or students as a result of annexation, consolidation, or detachment.

(2) Upon completion of the criminal records check, the Identification Bureau of the Department of Arkansas State Police shall forward all releasable information obtained concerning the person to the Department of Education, which shall promptly inform the board of directors of the educational entity whether or not the applicant is eligible for employment as provided by subsection (b) of this section.

(3)(A) The board of directors of an educational entity shall require as a condition for initial employment or noncontinuous reemployment of all nonlicensed personnel a Child Maltreatment Central Registry check by the Department of Human Services.

(B) The applicant shall sign a release of information to the Department of Education and shall be responsible for the payment of any fee associated with the Child Maltreatment Central Registry check.

(C) The Department of Human Services shall forward all releasable information concerning the applicant to the Department of Education upon completion of the Child Maltreatment Central Registry check.

(b) No person, including without limitation nonlicensed persons who provide services as a substitute teacher, shall be eligible for employment, whether initial employment, reemployment, or continued employment, by an educational entity in a nonlicensed staff position if that person has a true report in the Child Maltreatment Central Registry or has pled guilty or nolo contendere to or has been found guilty of any of the following offenses by any court in the State of Arkansas or of any similar offense by a court in another state or of any similar offense by a federal court:

- (1) Capital murder as prohibited in § 5-10-101;
- (2) Murder in the first degree as prohibited in § 5-10-102 and murder in the second degree as prohibited in § 5-10-103;
- (3) Manslaughter as prohibited in § 5-10-104;
- (4) Battery in the first degree as prohibited in § 5-13-201 and battery in the second degree as prohibited in § 5-13-202;
- (5) Aggravated assault as prohibited in § 5-13-204;
- (6) Terroristic threatening in the first degree as prohibited in § 5-13-301;
- (7) Kidnapping as prohibited in § 5-11-102;
- (8) Rape as prohibited in § 5-14-103;
- (9) Sexual assault in the first degree, second degree, third degree, and fourth degree, as prohibited in §§ 5-14-124 — 5-14-127;
- (10) Incest as prohibited in § 5-26-202;
- (11) Engaging children in sexually explicit conduct for use in visual or print media, transportation of minors for prohibited sexual conduct, employing or consenting to the use of a child in a sexual performance, or producing, directing, or promoting a sexual performance by a child as prohibited in §§ 5-27-303, 5-27-305, 5-27-402, and 5-27-403;
- (12) Distribution to minors as prohibited in § 5-64-406;
- (13) Any felony in violation of the Uniform Controlled Substances Act, § 5-64-101 et seq.;
- (14) Criminal attempt, criminal solicitation, or criminal conspiracy as prohibited in §§ 5-3-201, 5-3-202, 5-3-301, and 5-3-401, to commit any of the offenses listed in this subsection;
- (15) Sexual indecency with a child as prohibited in § 5-14-110;
- (16) Endangering the welfare of a minor in the first degree as prohibited in § 5-27-205;
- (17) Pandering or possessing visual or print medium depicting sexually explicit conduct involving a child as prohibited by § 5-27-304;
- (18) False imprisonment in the first degree as prohibited in § 5-11-103;
- (19) Permanent detention or restraint as prohibited in § 5-11-106;
- (20) Permitting abuse of a child as prohibited in § 5-27-221(a);
- (21) Negligent homicide as prohibited by § 5-10-105(a);
- (22) Assault in the first degree as prohibited by § 5-13-205;
- (23) Coercion as prohibited by § 5-13-208;
- (24) Public sexual indecency as prohibited by § 5-14-111;
- (25) Indecent exposure as prohibited by § 5-14-112;
- (26) Endangering the welfare of a minor in the second degree as prohibited by § 5-27-206;
- (27) Computer child pornography as prohibited in § 5-27-603;
- (28) Computer exploitation of a child in the first degree as prohibited in § 5-27-605;
- (29) Felony theft as prohibited in §§ 5-36-103 — 5-36-106 and § 5-36-203;
- (30) Robbery as prohibited by §§ 5-12-102 and 5-12-103;
- (31) Breaking or entering as prohibited by § 5-39-202;

- (32) Burglary as prohibited by § 5-39-201 and aggravated residential burglary as prohibited by § 5-39-204;
- (33) Forgery as prohibited by § 5-37-201;
- (34) Video voyeurism as prohibited by § 5-16-101;
- (35) Domestic battering in the first degree as prohibited by § 5-26-303;
- (36) Domestic battering in the second degree as prohibited by § 5-26-304;
- (37) Felony violation of an order of protection as prohibited by § 5-53-134;
- (38) Prostitution as prohibited by § 5-70-102;
- (39) Sexual solicitation as prohibited by § 5-70-103;
- (40) Promoting prostitution in the first degree as prohibited by § 5-70-104;
- (41) Promoting prostitution in the second degree as prohibited by § 5-70-105;
- (42) Stalking as prohibited by § 5-71-229;
- (43) Failure to notify by a mandated reporter in the first degree as prohibited by § 12-18-201; and
- (44) Any felony not listed in this subsection and involving physical or sexual injury, mistreatment, or abuse against another.

(c) However, the board of directors of an educational entity is authorized to offer provisional employment to an applicant pending receipt of eligibility information from the Department of Education.

(d)(1) Any information received by the Department of Education from the Identification Bureau of the Department of Arkansas State Police or the Department of Human Services pursuant to this section shall not be available for examination except by the affected applicant for employment or his or her duly authorized representative, and no record, file, or document shall be removed from the custody of the Department of Education.

(2) Any information made available to the affected applicant for employment shall be information pertaining to that applicant only.

(3) Rights of privilege and confidentiality established under this section shall not extend to any document created for purposes other than this background check.

(e) The State Board of Education shall determine that an applicant for employment with an educational entity in a nonlicensed staff position is ineligible for employment if the applicant:

(1) Is required to pass an examination as a requirement of his or her position and the applicant's completed examination test score was declared invalid because of the applicant's improper conduct;

(2) Has an expunged or a pardoned conviction for any sexual or physical abuse offense committed against a child or any offense listed in subsection (b) of this section;

(3) Knowingly submits or provides false or misleading information or knowingly fails to submit or provide information requested or required by law to the Department of Education, the state board, or the Division of Legislative Audit;

(4) Knowingly falsifies or directs another to falsify any grade given to a student, whether the grade was given for an individual assignment or examination or at the conclusion of a regular grading period; or

(5) Has a true report in the Child Maltreatment Central Registry.

(f)(1) The superintendent or director of an educational entity shall report to the state board the name of any person currently employed by the educational entity who:

(A) Has pleaded guilty or nolo contendere to or has been found guilty of a felony or any misdemeanor listed in subsection (b) of this section;

(B) Has intentionally compromised the validity or security of any student test or testing program administered or required by the Department of Education;

(C) Has knowingly submitted falsified information or failed to submit information requested or required by law to the Department of Education, the state board, or the division; or

(D) Has a true report in the Child Maltreatment Central Registry.

(2) The failure of a superintendent or director to report information as required by this subsection (f) may result in sanctions imposed by the state board.

(g)(1)(A) If an applicant for employment with an educational entity has been determined ineligible for employment because the applicant has a true report in the Child Maltreatment Central Registry, the board of directors of an educational entity shall provide a written notice to the applicant and shall afford the applicant the opportunity to request a waiver.

(B) If an applicant for employment with an educational entity has been determined ineligible for employment because the applicant has pled guilty or nolo contendere to, has been found guilty of, or has an expunged or a pardoned conviction for a sexual or physical abuse offense committed against a child or an offense listed in subsection (b) of this section, the board of directors of the educational entity shall provide a written notice to the applicant and shall afford the applicant the opportunity to request a waiver.

(2) The waiver shall be requested no more than thirty (30) days after receipt of the notice of the denial of employment.

(3) The waiver may be requested by:

(A) The hiring official;

(B) The affected applicant; or

(C) The person subject to dismissal.

(4) Circumstances for which a waiver may be granted shall include without limitation the following:

(A) The age at which the incident was committed;

(B) The circumstances surrounding the incident;

(C) The length of time since the incident;

(D) Subsequent work history;

(E) Employment references;

(F) Character references; and

(G) Other evidence demonstrating that the applicant does not pose a threat to the health or safety of school children or school personnel.

(5)(A) The board of directors of the educational entity may grant the waiver by adoption of a written resolution identifying the applicant by name and listing the specific facts and circumstances for which the waiver is being granted.

(B) After adopting a resolution granting a waiver, the board of directors of an educational entity shall immediately provide a copy of the resolution and waiver request to the Department of Education.

(C) The resolution and waiver request are public records subject to the provisions of the Freedom of Information Act of 1967, § 25-19-101 et seq.

(6) A waiver request may be discussed and acted upon by the board of directors of an educational entity only in an open public meeting and not in an executive session.

(h) As used in this section:

(1) "Educational entity" means a school district, open-enrollment public charter school, or education service cooperative; and

(2) "Nonlicensed staff position" includes parental monitors on school buses as permitted under § 6-19-127.

History. Acts 1997, No. 1314, § 1; 2003, No. 42, § 2; 2003, No. 1087, § 10; 2003, No. 1387, § 1; 2003 (2nd Ex. Sess.), No. 103, § 1; 2005, No. 2151, § 7; 2007, No. 823, § 1; 2007, No. 1573, § 24; 2009, No. 376, § 25; 2009, No. 1173, §§ 13-17; 2011, No. 984, § 2; 2013, No. 455, § 3.

Amendments. The 2009 amendment by No. 376 inserted "and aggravated residential burglary as prohibited by § 5-39-204" in (b)(32).

The 2009 amendment by No. 1173 inserted (a)(3); substituted "a true report in the child maltreatment central registry or has pled" for "has pleaded" in (b); inserted "or the Department of Human Services" in (d)(1); inserted (e)(5); inserted (f)(1)(D); added (g); and made related changes.

The 2011 amendment added (a)(1)(A)(v).

The 2013 amendment substituted "educational entity" for "local school district or education service cooperative," "school district," and "local school district" throughout; deleted former (a)(1)(A)(v); deleted "local" preceding "school district" in (a)(1)(C)(i); inserted "subdivision (a)(1)(C)(i) of" in (a)(1)(C)(ii); substituted "The board" for "A school district" in (a)(3)(A); inserted (b)(34) through (b)(43) and redesignated the remaining subdivision accordingly; inserted "or director" following "superintendent" in (f)(1) and (f)(2); redesignated former (g)(1) as (g)(1)(A); substituted "board of directors of an educational entity" for "local school board of directors" in (g)(1)(A); added (g)(1)(B); added (g)(5), (g)(6), and (h).

6-17-415. Criminal records check and Child Maltreatment Central Registry check for existing nonlicensed employees.

(a) It is the clear intent of the General Assembly to authorize each public school district at its discretion to require criminal background checks and Child Maltreatment Central Registry checks of existing nonlicensed employees in the same manner and subject to the same terms and conditions as set forth in this act for newly hired nonlicensed applicants.

(b) Any school district which by a vote of its local school board of directors requires criminal background checks and Child Maltreatment Central Registry checks for existing nonlicensed employees shall pay the full cost of the criminal background checks and Child Maltreatment Central Registry checks.

History. Acts 1997, No. 1314, § 2; 2009, No. 1173, § 18; 2011, No. 989, § 39.

Amendments. The 2009 amendment inserted “and child maltreatment central registry checks” in three places.

The 2011 amendment substituted “non-licensed” for “noncertified” in the section head and throughout the section.

Meaning of “this act”. Acts 1997, No. 1314, § 2 created §§ 6-17-414, 6-17-415, and 6-17-416.

6-17-416. Criminal records check and Child Maltreatment Central Registry check of employees of more than one school district.

Employees, whether new or existing, who have a contract with or work for more than one (1) school district in one (1) year shall be required to have only one (1) criminal background check and one (1) Child Maltreatment Central Registry check to satisfy the requirements of all employing school districts for that year.

History. Acts 1997, No. 1313, § 5; 1997, No. 1314, § 3; 2007, No. 1573, § 25; 2009, No. 1173, § 19.

Amendments. The 2009 amendment

inserted “and Child Maltreatment Central Registry check” in the section heading; and inserted “and one (1) child maltreatment central registry check.”

6-17-418. Teacher licensure — Arkansas history requirement.

(a) A person shall not be licensed as a social studies teacher or as an elementary school teacher unless the person has successfully completed at least three (3) hours of college course work in Arkansas history.

(b) However, social studies teachers and elementary school teachers entering Arkansas from another state shall receive a one-year nonrenewable provisional license to teach in Arkansas schools as authorized by § 6-17-403.

(c) The provisions of this section are not applicable to the renewal of a license for a teacher who was licensed before March 24, 1997.

History. Acts 1997, No. 787, § 3; 2011, No. 989, § 40.

Amendments. The 2011 amendment substituted “licensure” for “certification” in the section head; in (a), deleted “Beginning July 1, 2001” at the beginning and

substituted “licensed” for “certified”; substituted “license” for “certificate” in (b); and substituted “the renewal of a license for a teacher who was licensed before” for “recertification of teachers certified prior to” in (c).

6-17-421. Criminal records check for fraudulent acts.

(a) For purposes of this section:

(1) "Applicant" means an individual who is applying for initial employment as a fiscal officer of an educational entity;

(2) "Educational entity" means:

(A) A school district;

(B) An open-enrollment public charter school; or

(C) An education service cooperative;

(3) "Fiscal officer" means any licensed or nonlicensed employee of an educational entity who has any right, duty, or responsibility to access funds of an educational entity in excess of five thousand dollars (\$5,000), specifically including without limitation superintendents, fiscal officers, and bookkeepers; and

(4) "Fraudulent act" means an act:

(A) Performed willfully and with the specific intent to deceive or cheat for the purpose of either causing some financial loss to another or bringing about some financial gain to the actor; and

(B) For which the actor has pleaded guilty or nolo contendere or has been found guilty by any court in this state, by a court in another state, or by a federal court.

(b)(1)(A) Upon making application for employment in a position as a fiscal officer of an educational entity, the board of directors of the educational entity shall require the employment applicant to authorize release to the Department of Education the results of statewide and nationwide criminal records checks by the Identification Bureau of the Department of Arkansas State Police.

(B) Unless the employing educational entity's board of directors has taken action to pay for the cost of criminal background checks required by this section, the employment applicant shall be responsible for the payment of any fee associated with the criminal records check.

(2)(A) The criminal background check shall conform to the applicable federal standards and include the taking of the employment applicant's or currently employed fiscal officer's fingerprints.

(B) At the conclusion of the criminal records check required by this section, the Identification Bureau of the Department of Arkansas State Police may maintain the fingerprints in the automated fingerprint identification system.

(3)(A) Any information received by the Department of Education from the Identification Bureau of the Department of Arkansas State Police or the Department of Human Services pursuant to this section shall not be available for examination except by the affected applicant for employment or his or her duly authorized representative, and no record, file, or document shall be removed from the custody of the Department of Education.

(B) Any information made available to the affected employment applicant or fiscal officer shall be information pertaining to that applicant only.

(C) Rights of privilege and confidentiality established under this section shall not extend to any document created for purposes other than the background check.

(4) The Department of Education shall promptly inform the board of directors of the educational entity whether or not the affected employment applicant is eligible for employment as provided in this subsection.

(c)(1) No person shall be eligible for employment as a fiscal officer by an educational entity if the results of the criminal records check released to the Department of Education by the applicant reveals that the applicant has pleaded guilty or nolo contendere to or has been found guilty of a fraudulent act but only after an opportunity for a hearing before the State Board of Education upon reasonable notice in writing.

(2) However, the board of directors of an educational entity is authorized to offer provisional employment to the affected applicant pending receipt of eligibility information from the Department of Education.

(d)(1) The superintendent or director of an educational entity shall report to the state board the name of any fiscal officer who is currently employed or was employed during the two (2) previous school years by the educational entity who has pleaded guilty or nolo contendere to or has been found guilty of a fraudulent act.

(2) A superintendent or director who knowingly fails to report information as required by this subsection may be subject to sanctions imposed by the state board.

(e) A prosecuting attorney who prosecutes a person who he or she knows is an educational entity employee in a case in which the employee has pleaded guilty or nolo contendere to or has been found guilty of a fraudulent act shall report the name of the employee and the nature of the crime to the educational entity in which the person is employed and to the state board.

(f) An educational entity shall dismiss from employment a fiscal officer who pleads guilty or nolo contendere to or has been found guilty of a fraudulent act but only after the fiscal officer has an opportunity for a hearing before the state board upon reasonable notice in writing.

(g)(1) The state board shall be entitled to consider:

(A) The age of the fiscal officer at the time the criminal act occurred;

(B) The length of time since the conviction;

(C) Whether the fiscal officer has pleaded guilty or nolo contendere to or has been found guilty of any other criminal violation since the original conviction;

(D) Whether the original conviction was expunged or pardoned; and

(E) Any other relevant facts.

(2) The state board after conducting a hearing and issuing a decision in writing may determine not to prevent the employment or not to require the termination of employment of the fiscal officer as required in subsections (c) and (f) of this section.

History. Acts 2003 (2nd Ex. Sess.), No. 82, § 1; 2005, No. 2151, § 10; 2011, No. 989, § 41; 2013, No. 455, § 4.

Amendments. The 2011 amendment substituted “licensed or classified” for “certified or noncertified” in (a)(2).

The 2013 amendment substituted “educational entity” for “local school district or education service cooperative,” “school district,” and “local school district” throughout; inserted (a)(2) and redesignated the remaining subdivisions accord-

ingly; rewrote present (a)(3); inserted “or director” following “superintendent” in (d)(1) and (d)(2); in (e), substituted “an educational entity employee” for “a school employee” and “employee has” for “school employee has”; and, in (f), substituted “An educational entity shall dismiss from employment a” for “A,” deleted “shall be dismissed from employment with the school district,” and inserted “the fiscal officer has.”

6-17-422. Professional Licensure Standards Board.

(a) There is established the Professional Licensure Standards Board.

(b)(1) The Professional Licensure Standards Board shall consist of sixteen (16) members appointed by the State Board of Education as follows:

(A) The Commissioner of Education or his or her designee, who shall serve as a nonvoting member;

(B) The Director of the Division of Child Care and Early Childhood Education or his or her designee, who shall serve as a nonvoting member;

(C) Four (4) public school classroom teachers with valid Arkansas teaching licenses who are recommended by the Arkansas Education Association, and who teach at:

(i) A licensure level of birth to kindergarten;

(ii) A licensure level of kindergarten through grade six (K-6);

(iii) A licensure level of grades four through eight (4-8); and

(iv) A licensure level of grades seven through twelve (7-12);

(D)(i) Four (4) persons with valid Arkansas teaching and administrator’s licenses who are recommended by the Arkansas Association of Educational Administrators.

(ii)(a) One (1) person shall hold a building-level administrator’s license and serve as a middle-level building administrator.

(b) Two (2) persons shall be public school superintendents with valid Arkansas teaching and district-level administrator’s licenses recommended by the Arkansas Association of Educational Administrators.

(c) One (1) person shall be a public school administrator with a valid Arkansas teaching and building-level or district-level administrator’s license recommended by the Arkansas Association of School Personnel Administrators;

(E) One (1) nonvoting representative designated by the Department of Education from its Human Resources, Educator Effectiveness and Licensure Division recommended by the commissioner;

(F)(i) Three (3) deans of education from Arkansas institutions of higher education recommended by the Arkansas Association of Colleges for Teacher Education.

(ii)(a) One (1) dean shall be from a private institution of higher education.

(b) One (1) dean shall be from a public institution of higher education.

(c) One (1) dean shall have knowledge of licensure issues;

(G) One (1) coordinator of educational leadership recommended by the Arkansas Professors of Educational Administration; and

(H) One (1) person with a valid curriculum/program administrator's license recommended by the Arkansas Association of Supervision and Curriculum Development.

(2)(A) The voting members of the Professional Licensure Standards Board shall elect annually one (1) of the voting members to serve as chair for one (1) year.

(B)(i) The chair shall serve as a nonvoting member during his or her term as chair.

(ii) However, the chair may vote in the case of a tie.

(c)(1) The State Board of Education shall consider all recommendations under subdivision (b)(1) of this section submitted to the secretary of the State Board of Education by June 30 of each year in which the term of a Professional Licensure Standards Board member expires.

(2) If a recommendation for a person qualified to fill a position on the Professional Licensure Standards Board is not received by the deadline, the State Board of Education may appoint any qualified person to fill the position.

(3) If the membership of the Professional Licensure Standards Board is changed by law, the affected positions will be filled as follows:

(A) When the qualifications for a sitting member's position are changed during the member's term, the member shall complete his or her term and the new qualifications shall apply at the expiration of the member's term; and

(B) If a new position on the Professional Licensure Standards Board is created, the State Board of Education shall appoint a qualified person to fill the new position as soon as practicable.

(d)(1)(A) Each member of the Professional Licensure Standards Board shall serve a term of three (3) years.

(B) The initial members shall draw lots for staggered terms.

(2) The State Board of Education shall appoint any qualified person to fill a position that is vacated before the expiration of a member's term.

(e) The appointed members of the Professional Licensure Standards Board shall be residents of this state at the time of appointment and throughout their terms.

(f)(1) The Professional Licensure Standards Board shall meet at times and places the chair deems necessary, but no meetings shall be held outside of this state.

(2) A majority of the members of the Professional Licensure Standards Board shall constitute a quorum for the purpose of transacting business.

(3) All action of the Professional Licensure Standards Board shall be by a majority vote of the full membership of the Professional Licensure Standards Board.

(g)(1) Members of the Professional Licensure Standards Board shall serve without pay.

(2) Members of the Professional Licensure Standards Board may receive expense reimbursement in accordance with § 25-16-902, to be paid by the Department of Education to the extent money is available for that purpose.

(h) The Professional Licensure Standards Board shall:

(1) Develop and recommend for adoption to the State Board of Education minimum college level preparatory and grade point average requirements for all teachers applying for licensure, that shall include minimum requirements for:

(A) Course of study;

(B) Program approval;

(C) Range of approved hours; and

(D) In-class teaching internships or practice teaching hours;

(2)(A) With the assistance of the Department of Education and the Department of Higher Education, review the audits of the teacher education programs offered by all institutions of higher education in the state to determine if the institutions' teacher education programs and courses of study are aligned as necessary to allow graduates of the teacher education program to become licensed under this act and the rules set by the State Board of Education.

(B)(i)(a) To ensure alignment with standards in university course syllabi for licensure, the Department of Education shall conduct audits of licensure programs of study at all Arkansas institutions of higher education.

(b) The audits shall use state standards or national standards for licensure programs, or a combination of both.

(ii) The audits shall be conducted on a five-year cycle beginning on July 1, 2007, and provided to the Professional Licensure Standards Board.

(iii)(a) Institutions of higher education that do not comply with the Department of Education's audit findings and recommendations shall have one (1) semester to bring programs into compliance with the audit recommendations and submit documentation of compliance to the Professional Licensure Standards Board.

(b) If the institution of higher education does not bring its program into compliance with audit recommendations, the Professional Licensure Standards Board shall submit a recommendation to the State Board of Education for discontinuance of the authority of the institution to offer the licensure program; and

(3)(A) Establish a code of ethics for administrators and teachers in educational environments for students in prekindergarten through grade twelve (preK-12).

(B) Upon the approval of the code of ethics, procedures, and recommendations for enforcement required by this subdivision (h)(3),

the valid Arkansas teaching license of any person shall be subject to the conditions, requirements, and mandates of the code of ethics, procedures, and recommendations for enforcement.

(C)(i) The Professional Licensure Standards Board may recommend to the State Board of Education and the State Board of Education may approve the monetary fees to be paid by a person for the issuance, reissuance, fine, or penalty associated with the process, procedures, or enforcement of requirements necessary to issue or maintain an Arkansas teaching license.

(ii) Under no circumstances shall any one (1) specific fee or fine exceed one hundred dollars (\$100).

(iii) Revenue collected by the State Board of Education from the fees and fines under this subdivision (h)(3)(C) shall be used for the operation of the Professional Licensure Standards Board.

(4)(A) Adopt rules requiring a student admitted to a teacher education program offered by an institution of higher education in the state to:

(i) Apply to the Identification Bureau of the Department of Arkansas State Police for a statewide and nationwide criminal records check, to be conducted by the Department of Arkansas State Police and the Federal Bureau of Investigation; and

(ii) Request through the Department of Education a Child Maltreatment Central Registry check to be conducted by the Department of Human Services.

(B) The criminal records check and Child Maltreatment Central Registry check shall conform to the requirements and procedures of § 6-17-410 and applicable federal standards.

(C) The rules shall not require an institution of higher education to bar a student from enrollment due to a disqualifying criminal conviction or a true report in the Child Maltreatment Central Registry.

History. Acts 2007, No. 846, § 3; 2009, No. 337, §§ 1-4; 2009, No. 376, §§ 26, 27; 2009, No. 938, § 1; 2011, No. 981, §§ 5, 6; 2011, No. 1045, § 1; 2013, No. 454, § 6; 2013, No. 455, § 5; 2013, No. 1070, §§ 1, 2.

Amendments. The 2009 amendment by No. 337 redesignated (b)(1) through (b)(7) as (b)(1)(A) through (b)(1)(G); inserted (b)(2); substituted "subdivision (b)(1)" for "subsection (b)" in (c); deleted (e)(2) and redesignated the remaining text accordingly; and inserted (h)(3)(D)(ii).

The 2009 amendment by No. 376 redesignated (b)(3), made related and minor stylistic changes; and substituted "dean" for "of whom" in (b)(5)(B)(iii).

The 2009 amendment by No. 938 added (i).

The 2011 amendment by No. 981 subdivided former (b)(2)(B) as (b)(2)(B)(i) and (ii); and deleted "by June 30, 2007, for the initial board and" preceding "by June 30 of each year" in (c)(1).

The 2011 amendment by No. 1045 deleted (h)(3)(D) through (i).

The 2013 amendment by No. 454 substituted "applying for licensure" for "applying for initial licensure or additional licensure after July 1, 2007" in the introductory language of (h)(1).

The 2013 amendment by No. 455 added (h)(4).

The 2013 amendment by No. 1070 rewrote (b)(1) and added (c)(3).

6-17-423. Professional development after retirement.

(a) In order to maintain a valid teacher's license under § 6-17-401, a person who retires while possessing a valid teacher's license under § 6-17-401 shall not be required to complete approved professional development required by rule of the State Board of Education.

(b)(1) A person who retires while possessing a valid teacher's license under § 6-17-401 and returns to a licensed employment position with a public school district shall complete within the school year of the return to employment the professional development required for the year in which the person returns to licensed employment.

(2) The person shall complete all professional development required during his or her licensed employment.

(c) A retired teacher whose license has expired may renew his or her license upon completion of the professional development required for the year in which the person applies for license renewal.

History. Acts 2007, No. 628, § 1; 2011, No. 989, § 42; 2013, No. 1073, § 24.

Amendments. The 2011 amendment substituted "licensed" for "certified" in (b)(1) and (2).

The 2013 amendment inserted "may renew his or her license upon completion

of the professional development required for the year in which the person applies for license renewal" in (c) and deleted former (c)(1) and (2).

6-17-424. Administrator licensure for counselors — Eligibility.

(a) A school counselor is an eligible candidate for an initial administrator license if the school counselor:

(1) Holds a current standard teaching license;

(2) Has a minimum of four (4) years' experience as a school counselor;

(3) Holds a graduate degree from a regionally accredited institution of higher education; and

(4) Completes the appropriate program of study for an initial administrator license.

(b) The Department of Education shall promulgate the rules necessary to implement this section.

History. Acts 2009, No. 733, § 1.

6-17-425. Subpoena powers.

(a)(1) The following boards shall have the power to issue subpoenas and bring before the board as a witness any person in this state:

(A) Professional Licensure Standards Board, § 6-17-422; and

(B) State Board of Education, § 6-11-101 et seq.

(2) The Professional Licensure Standards Board or the State Board of Education shall by rule provide for the issuance of a subpoena upon the request of a party to a proceeding pending before the Professional Licensure Standards Board or the State Board of Education or at the

request of the Professional Licensure Standards Board or the State Board of Education.

(3) The subpoena shall:

(A) Be in the name of either the Professional Licensure Standards Board or the State Board of Education;

(B) State the name of the board hearing the proceeding and the name of the proceeding; and

(C)(i) Command each person to whom it is directed to give testimony at the time and place specified in the subpoena in one (1) of the following ways:

(a) In person;

(b) Before a certified court reporter under oath at the place of the witness's residence or employment;

(c) By videotaped deposition at the place of the witness's residence or employment; or

(d) By live video communications from the witness's residence, place of employment, or a nearby facility capable of providing video transmission to the board hearing the proceeding that has subpoenaed the witness.

(ii) The manner of providing testimony under the subpoena shall be conducted by video conference testimony unless another manner is agreed upon by the board hearing the proceeding and the person who is the subject of the subpoena.

(4) The subpoena may require the witness to bring with him or her any book, writing, or other thing under his or her control that he or she is bound by law to produce in evidence.

(5) Service of the subpoena shall be in the manner as provided by law or rule for the service of subpoenas in civil cases.

(b)(1) A witness who has been served by subpoena under this section and who appears in person to testify at the trial or case pending before the Professional Licensure Standards Board or the State Board of Education shall be reimbursed for travel and attendance as provided by law.

(2) If a witness is served with subpoena under this section and fails to provide testimony in obedience to the subpoena, the Professional Licensure Standards Board or the State Board of Education may apply to the circuit court of the county in which the Professional Licensure Standards Board or the State Board of Education is holding the proceeding for an order causing the arrest of the witness and directing that the witness be brought before the court.

(3) The court shall have the power to punish the disobedient witness for contempt as provided by the Arkansas Rules of Civil Procedure.

(4) A witness who has been served with a subpoena under this section may challenge the validity of the subpoena in the circuit court of the county in which the witness resides or is employed.

History. Acts 2009, No. 1283, § 1; substituted "hearing the proceeding" for "or commission" in (a)(3)(C)(ii).

Amendments. The 2013 amendment

6-17-426. Repeat audit findings — Review by the Professional Licensure Standards Board.

(a)(1) The Legislative Joint Auditing Committee may refer an audit report of a school district to the Department of Education if:

(A) The audit report of the school district identifies a substantial issue of noncompliance with state or federal financial reporting requirements or other state or federal law or regulation; and

(B) The same issue is identified in two (2) consecutive audit reports.

(2) The department shall submit the audit report referred in subdivision (a)(1) of this section to the Professional Licensure Standards Board in forms approved by the department.

(b) The board shall investigate any referrals made by the committee under its investigative procedures.

(c) No later than July 1 of each year, the board shall report on the disposition of all referrals made to the board by the committee.

History. Acts 2009, No. 1370, § 1.

6-17-427. Superintendent license — Superintendent mentoring program required.

(a)(1) The Department of Education shall develop and sponsor a superintendent mentoring program for first-year superintendents that includes without limitation:

(A) Curriculum and instruction;

(B) Ethics;

(C) Facilities;

(D) Human resources;

(E) Leadership;

(F) School funding; and

(G) Technology.

(2) The department shall incorporate all training that is currently required for first-year superintendents into the superintendent mentoring program.

(3) The State Board of Education shall establish rules to implement the superintendent mentoring program.

(b) Beginning with the 2011-2012 school year, a first-year Arkansas superintendent shall complete the superintendent mentoring program within twelve (12) months of obtaining or maintaining employment as a superintendent to maintain his or her superintendent's license.

(c) This section is subject to the appropriation and availability of funding.

History. Acts 2011, No. 586, § 1.

6-17-428. Ethical violations.

(a) As used in this section:

(1) "Code of ethics" means the code of ethics for educators established by the Professional Licensure Standards Board under § 6-17-422;

(2) "Educator" means a person holding a valid Arkansas teacher's or administrator's license issued by the State Board of Education;

(3)(A) "Ethical violation" means an act or omission on the part of an educator when the educator knew or reasonably should have known that the act or omission was in violation of the code of ethics.

(B) "Ethical violation" does not include:

(i) A reasonable mistake made in good faith;

(ii) An act or omission undertaken in accordance with the reasonable instructions of a supervisor; or

(iii) An act or omission under circumstances in which the educator had a reasonable belief that failure to follow the instructions of a supervisor would result in an adverse job action against the educator; and

(4) "Ethics complaint" means a document that:

(A) States facts constituting an alleged ethical violation of the code of ethics; and

(B) Is signed under penalty of perjury by the person filing the ethics complaint.

(b)(1) The Professional Licensure Standards Board shall:

(A) Establish procedures for:

(i) Receiving and investigating an ethics complaint;

(ii) Enforcing the code of ethics; and

(iii) Granting and conducting hearings under this section;

(B) Make recommendations for enforcement of the code of ethics; and

(C) Establish an ethics subcommittee of the Professional Licensure Standards Board with equal representation of public school teachers and administrators as well as one (1) member from any other category of representation on the Professional Licensure Standards Board.

(2) All rules, procedures, hearings, and appeals relating to the code of ethics complaints under this section shall be promulgated and implemented under the Arkansas Administrative Procedure Act, § 25-15-201 et seq.

(c)(1) The ethics subcommittee of the Professional Licensure Standards Board shall:

(A) Receive and investigate ethics complaints;

(B) Enforce the code of ethics by:

(i) Making a recommendation to the State Board of Education for:

(a) A written warning, a written reprimand, or the written placement of conditions or restrictions on the activities of the educator; or

(b) The revocation, suspension, probation, or nonrenewal of a license issued by the State Board of Education; or

(ii) Issuing a private letter of caution; and

(C) Dismiss an ethics complaint if it finds there is no ethics violation.

(2) The State Board of Education may make an informal disposition of the ethical violation by stipulation, settlement, consent order, or default.

(d) An ethics complaint may be filed with the Professional Licensure Standards Board by any person through:

(1) The Department of Education;

(2) A public school district; or

(3) A public school superintendent.

(e)(1) The ethics subcommittee shall investigate an ethics complaint that it determines is credible.

(2) Following an interview conducted as part of an investigation of an ethics complaint, the investigator shall place in the investigation file a written report of the interview.

(f)(1) Within ten (10) calendar days of authorizing an ethics complaint investigation, the ethics subcommittee shall provide to the educator under investigation:

(A) Written notice of the investigation and the nature of the alleged ethical violation; and

(B) A copy of:

(i) The documents and evidence concerning the facts alleged in the ethics complaint;

(ii) Provisions of this section or other state statutory law applicable to an ethical violation under this section; and

(iii) The applicable rules in effect at the time the ethics complaint is filed.

(2) Upon the completion of the investigation and before an initial consideration of the investigation, the ethics subcommittee shall provide to the educator:

(A) A copy of the documents and evidence concerning the investigation of the ethics complaint; and

(B) Written notice that the ethics subcommittee will consider taking an action against the educator.

(g)(1) Within thirty (30) calendar days after an educator receives the notice, documentation, and evidence from the ethics subcommittee under subsection (f) of this section, the educator may respond to the ethics complaint in writing.

(2) The ethics subcommittee may permit additional time for a response.

(h)(1) Upon receipt of the results of the investigation and any written response from the educator who is the subject of the ethics complaint, the ethics subcommittee shall issue an initial decision and provide notice of the initial decision to the educator.

(2) Within thirty (30) days of receiving notice of the initial decision, if the educator disagrees with the initial decision, the educator may request an evidentiary hearing in the manner specified in the rules of the Professional Licensure Standards Board.

(i)(1) Upon receipt of a request for a hearing, the ethics subcommittee shall grant and conduct a hearing in accordance with its rules.

(2) The educator and the Professional Licensure Standards Board may be represented by representatives of their choosing.

(j) Within ten (10) business days of the ethics subcommittee's taking action following a hearing, the ethics subcommittee shall provide to the educator under investigation a written notice of the action.

(k) The ethics subcommittee shall complete its investigation of an ethics complaint and take action:

(1) Within one hundred fifty (150) days of authorizing the investigation of the ethics complaint; or

(2) If a hearing is conducted, within one hundred eighty (180) days of authorizing the investigation of the ethics complaint.

(l) The time limitations imposed under this section may be waived when reasonable under certain circumstances, including without limitation inclement weather, state or national emergencies, or other unforeseeable events by the:

(1) Educator if the time limitation is imposed upon the ethics subcommittee; or

(2) Ethics subcommittee if the time limitation is imposed upon the educator.

(m) Except as provided in subsection (o) of this section, all records and all hearings, meetings, and deliberations of the Professional Licensure Standards Board and the ethics subcommittee relating to an ethics complaint are confidential and exempt from the Freedom of Information Act of 1967, § 25-19-101 et seq.

(n) All records pertaining to an ethics complaint shall be open for inspection and copying by the educator against whom the ethics complaint is lodged, unless otherwise prohibited by state or federal law.

(o)(1) A hearing under this section before the State Board of Education on a recommendation of the ethics subcommittee for enforcement of the code of ethics is a public hearing.

(2) All records upon which the State Board of Education relies at a hearing under this subsection to make its decision are subject to public disclosure under the Freedom of Information Act of 1967, § 25-19-101 et seq.

(p)(1) As used in this subsection:

(A) "Acted upon" means that the State Board of Education has taken an action to address an ethics complaint by revoking, suspending, or imposing another sanction upon an educator's license;

(B) "School hiring officer" means the person designated by a school who is responsible for hiring or making final recommendations for the hiring of an educator who holds an Arkansas teaching or administrator's license;

(C) "Sexual abuse" has the same meaning as given to the term in § 12-18-103(18)(D) as it applies to a caretaker but shall include a victim who is eighteen (18) years of age or older and is still a student; and

(D) "Student" means a person who is enrolled in a public or private school in any level from prekindergarten through grade twelve (preK-12).

(2) The code of ethics shall include without limitation the following provisions:

(A) A standard that an educator maintains a professional relationship with each student, both in and outside the classroom;

(B) An educator in a supervisory role in an Arkansas school shall file an ethics complaint if he or she observes or has reasonable cause to suspect that an educator has violated the standard in subdivision (p)(2)(A) of this section involving the sexual abuse of a student; and

(C) The failure to submit an ethics complaint under subdivision (p)(2)(B) of this section is a violation of the code of ethics.

(3)(A)(i) By March 1, 2014, the department shall establish and maintain a website providing a school hiring officer with the ability to determine if the State Board of Education has acted upon an ethics complaint concerning a violation of the standard in subdivision (p)(2)(A) of this section involving the sexual abuse of a student by an applicant for employment who holds an Arkansas teaching or administrator's license.

(ii) The website shall identify the action taken on the ethics complaint.

(B) Beginning March 1, 2014, before an educator who holds an Arkansas teaching license or administrator's license may be hired for employment at an Arkansas school, the school hiring officer shall check the website maintained by the department under subdivision (p)(3)(A) of this section to determine whether the State Board of Education has acted upon a violation of the standard in subdivision (p)(2)(A) of this section involving the sexual abuse of a student by the applicant.

History. Acts 2011, No. 1045, § 2; investigation of the ethics complaint" for 2013, No. 454, § 4; 2013, No. 1323, § 1. "receiving the ethics complaint" in (k)(2).

Amendments. The 2013 amendment The 2013 amendment by No. 1323 by No. 454 substituted "authorizing the added (p).

SUBCHAPTER 6 — LICENSED PERSONNEL TESTING PROGRAM

SECTION.

6-17-601. Board authority and directive.

6-17-602. Application for new licensure.

SECTION.

6-17-603. Reporting of test scores — Confidentiality.

6-17-601. Board authority and directive.

The State Board of Education shall establish and implement a licensed personnel testing program.

History. Acts 1985, No. 350, § 1; A.S.A. substituted "shall" for "is authorized and 1947, § 80-1270; Acts 2011, No. 989, § 43. directed to" and "licensed" for "certified."

Amendments. The 2011 amendment

6-17-602. Application for new licensure.

Any teacher, administrator, or other licensed person who is not eligible for renewal of the license due to failure to comply with this subchapter is eligible to apply for new licensure under initial licensure regulations or other regulations promulgated by the State Board of Education.

History. Acts 1985, No. 350, § 4; A.S.A. 1947, § 80-1270.3; Acts 1987, No. 512, § 4; 2011, No. 989, § 44.
Amendments. The 2011 amendment substituted “licensure” for “certification,” “licensed” for “certified,” and “renewal of the license” for “recertification.”

6-17-603. Reporting of test scores — Confidentiality.

- (a) Scores from the tests required under the provisions of this subchapter shall not be disclosed but shall be retained by the Department of Education as confidential records not subject to the Freedom of Information Act of 1967, § 25-19-101 et seq., or any other act which would require the disclosure thereof. However, the department shall provide each licensed personnel with that person’s test score and the grader’s analysis of the writing portion of the test.
- (b) The department shall transmit to the Governor and the interim House Committee on Education and the interim Senate Committee on Education a composite report indicating by county the number of persons who failed the tests and the number of persons who passed the tests.

History. Acts 1985, No. 350, § 5; 1985, No. 693, § 2; A.S.A. 1947, § 80-1270.4; Acts 1997, No. 112, § 8; 2011, No. 989, § 45.
Amendments. The 2011 amendment substituted “licensed” for “certified” in (a).

SUBCHAPTER 7 — PROFESSIONAL DEVELOPMENT

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| SECTION. | SECTION. |
| 6-17-702. Staff development sessions. | 6-17-707. Arkansas Online Professional Development Initiative. |
| 6-17-703. Arkansas history professional development. | 6-17-708. Teen suicide awareness and prevention professional development. |
| 6-17-704. Professional development plan. | 6-17-709. Professional development schedule. |
| 6-17-705. Professional development credit. | |
| 6-17-706. Professional development credit exemption. | |

Effective Dates. Acts 2013, No. 969, § 12: Apr. 8, 2013. Emergency clause provided: “It is found and determined by the General Assembly of the State of Arkansas that it is the state’s constitutional obligation to provide a general, suitable, and efficient free system of public schools in the state; that the professional development of public school teachers and administrators is critical to the delivery of a constitutionally adequate education; and that this act is immediately necessary for school districts and educators to prepare for the professional development require-

ments needed for the 2013-2014 school year. Therefore, an emergency is declared to exist, and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on: (1) The date of its approval by the Governor; (2) If the bill is neither

approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or (3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto."

6-17-702. Staff development sessions.

(a)(1)(A) A school district shall not deny licensed personnel the opportunity to attend certified instructional staff development sessions conducted by bona fide professional organizations within the state.

(B) Licensed personnel may count up to two (2) days of six (6) hours each of attendance at instructional professional development sessions conducted by bona fide professional organizations toward fulfillment of the ten (10) days of staff development required by the Standards for Accreditation of Arkansas Public Schools and School Districts, provided the sessions have been certified by the Department of Education.

(2) The State Board of Education may promulgate rules to implement the certification process for instructional staff development sessions.

(b) This section does not authorize a school district employee to refrain from attending meetings and workshops designed to implement restructuring mandated by the Arkansas Public Education Act of 1997, § 6-15-1001 et seq.

History. Acts 1993, No. 1151, § 1; 1995, No. 663, § 1; 2009, No. 1309, § 1. **Amendments.** The 2009 amendment rewrote the section.

6-17-703. Arkansas history professional development.

(a) A school district shall provide two (2) hours of substantive and meaningful professional development in Arkansas history for its teachers who provide instruction in Arkansas history according to the professional development schedule under § 6-17-709.

(b) The school district may provide the professional development:

(1) By contracting with an education service cooperative; or

(2) By using the Arkansas Online Professional Development Initiative under § 6-17-707.

(c) The professional development under this section shall count toward satisfaction of requirements for professional development in the Standards for Accreditation of Arkansas Public Schools and School Districts.

History. Acts 1997, No. 787, § 4; 2005, No. 2095, § 1; 2013, No. 969, § 3. **Amendments.** The 2013 amendment rewrote this section.

6-17-704. Professional development plan.

(a) As used in this section, "professional development" means a set of coordinated planned learning activities for teachers, administrators, and nonlicensed school employees that:

- (1) Is required by statute or the Department of Education; or
- (2) Meets the following criteria:

(A) Is part of the minimum number of professional development hours required by law or by the department;

(B) Improves the knowledge, skills, and effectiveness of teachers;

(C) Improves the knowledge and skills of administrators and paraprofessionals concerning effective instructional strategies, methods, and skills;

(D) Leads to improved student academic achievement; and

(E) Is research-based and standards-based.

(b) The purpose of professional development is to improve teaching and learning in order to facilitate individual, school-wide, and system-wide improvements designed to ensure that all students demonstrate proficiency on state academic standards.

(c)(1) Annually, each school district shall prepare a professional development plan.

(2)(A) Teachers, administrators, and classified school employees shall be involved in the design, implementation, and evaluation of their respective professional development offerings under the plan.

(B) The evaluation results shall be given to each group of employees in the school district and used to improve professional development offerings.

(d) The professional development offerings may include approved conferences, workshops, institutes, individual learning, mentoring, peer-coaching, study groups, National Board for Professional Teaching Standards certification, distance learning, internships, and college or university course work.

(e) The professional development under this section:

(1) Shall comply with the Arkansas Department of Education Rules Governing Professional Development; and

(2) May provide educators with knowledge and skills needed to teach:

(A) Students with disabilities, including without limitation autism; and

(B) Culturally and linguistically diverse students.

(f) A teacher shall complete any missed hours of professional development through professional development that is:

(1) Substantially similar to the professional development missed and approved by the person responsible for the teacher's summative evaluation under the Teacher Excellence and Support System, § 6-17-2801 et seq.; and

(2) Delivered by any method, online or otherwise, approved by the Department of Education under the State Board of Education rules.

(g) Accreditation for or approval of professional development for public school teachers and administrators is governed by the rules of the state board.

History. Acts 2003 (2nd Ex. Sess.), No. 83, § 1; 2011, No. 1146, § 1; 2011, No. 1150, § 1; 2011, No. 1209, §§ 4, 5; 2013, No. 969, §§ 4–6.

Amendments. The 2011 amendment by identical acts Nos. 1146 and 1150 added (e)(2)(P).

The 2011 amendment by No. 1209 substituted “State Board of Education” for

“Department of Education” in (e)(1); and added (f) and (g).

The 2013 amendment, in (a), substituted “nonlicensed school” for “classified,” deleted “are standards-based and continuous,” and inserted (a)(1) through (a)(2)(E); substituted “Annually, each” for “Beginning with school year 2004-2005, each” in (c)(1); and rewrote (e).

6-17-705. Professional development credit.

(a) Up to twelve (12) hours of professional development credit may be earned by licensed personnel for time required at the beginning of each school year to plan and prepare a curriculum and other instructional material for their assigned classes if the time is:

(1) Spent in their classrooms, offices, or media centers at the public school; and

(2) Before the first student-teacher interaction day of the school year, but a school district shall not require licensed personnel to work additional days that are not included in their contracts unless the licensed personnel are paid their daily rate of pay.

(b) Licensed personnel shall earn one (1) hour of professional development credit for each hour of planning and preparation that meets the requirements of subsection (a) of this section.

(c) Licensed personnel may earn the twelve (12) hours of professional development credit required under subsection (a) of this section through online professional development credit approved by the Department of Education and related to the:

(1) School district’s Arkansas Comprehensive School Improvement Plan; or

(2) Teacher’s professional learning plan under the Teacher Excellence and Support System, § 6-17-2801 et seq.

(d)(1) If illness of a teacher or a teacher’s immediate family under § 6-17-1202 prevents a teacher from obtaining the required professional development hours, the teacher shall be allowed to make up the hours missed during the:

(A) Remainder of the current school year; or

(B) Succeeding school year.

(2) The teacher may earn the professional development hours through online professional development.

(e) The State Board of Education shall promulgate the rules necessary for the proper implementation of this section.

History. Acts 2005, No. 1185, § 1; 2009, No. 1309, § 2; 2011, No. 1209, § 6.

Amendments. The 2009 amendment substituted “licensed” for “certified” in (a)

and (b); inserted present (c) and (d); redesignated former (c) as (e); and made minor stylistic changes in (a)(2).

The 2011 amendment substituted "learning plan under the Teacher Excel-

lence and Support System, § 6-17-2801 et seq." for "growth plan" in (c)(2).

6-17-706. Professional development credit exemption.

(a) Licensed personnel working part time shall be exempt from one-half ($\frac{1}{2}$) of the professional development hours required under the Standards for Accreditation of Arkansas Public Schools and School Districts if they work solely in any of the following adult education programs:

- (1) Adult basic education;
- (2) General adult education;
- (3) English as a second language for adults; and
- (4) General Educational Development Test examiners.

(b) The State Board of Education shall promulgate the rules necessary for the proper implementation of this section.

History. Acts 2005, No. 2007, § 1; substituted "Licensed" for "Certified" in 2011, No. 989, § 46. (a).

Amendments. The 2011 amendment

6-17-707. Arkansas Online Professional Development Initiative.

(a) There is created the Arkansas Online Professional Development Initiative.

(b) Under the initiative, the Commissioner of Education shall identify teacher professional development needs in the state and prioritize the needs based on the areas of professional development most needed to improve academic and teaching knowledge and skills of licensed personnel.

(c) Based on the needs and priorities identified in the assessment under subsection (b) of this section, the commissioner shall work with the Director of the Educational Television Division of the Department of Education and local school districts to develop a statewide online professional development program that includes quality professional development courses that:

(1) Are aligned to the required focus areas identified in the State Board of Education rules governing professional development and the Arkansas Comprehensive Testing, Assessment, and Accountability Program;

(2) Are aligned with the clear, specific, and challenging academic content areas as established by the Department of Education as required under § 6-15-404;

(3) Are aligned with the state curriculum frameworks established by the department for each class level or subject area included in the respective professional development programs;

(4) Are research-based and available from sources with expertise in technology-delivered professional development courses;

(5) Are consistent with the Southern Regional Education Board multi-state online professional development standards in existence on January 1, 2005;

(6) Focus on improving student academic achievement by improving a teacher's academic and teaching knowledge and skills; and

(7) Include an assessment at the end of the program designed to measure each licensed person's level of understanding and ability to implement or apply the information presented in the program.

(d)(1)(A) The Arkansas Educational Television Network shall support the delivery of the online professional development courses developed as part of the initiative to teachers and administrators in each school in each school district in the state via the Internet.

(B) In addition to the online courses developed as part of the initiative, the network may continue to deliver professional development by broadcast, compressed, satellite, and face-to-face methods.

(2) The online professional development courses supported by the network or other providers shall include online registration, course evaluation, and attendance and completion documents.

(3) Any provider of technology-delivered professional development under the initiative shall demonstrate an ability to successfully deliver technology-delivered products and services.

(4) If a technology-delivered professional development course or service that has been identified as needed under the assessment in subsection (b) of this section is not available, the network or other providers shall work with the department to develop a course or service to meet the identified need.

(e) The department shall determine the content of and preapprove all professional development courses or programs delivered by the network that qualify for professional development credit as required by the Standards for Accreditation of Arkansas Public Schools and School Districts or teacher licensure requirements.

(f) The department shall provide the staff and resources needed to provide the quality leadership necessary to coordinate the initiative.

(g) The initiative shall include a method for the department, the network, school districts, schools, and licensed personnel to annually evaluate the effectiveness of the initiative and its online professional development course and programs.

(h)(1) The department may include as part of a school improvement plan guidelines for the professional development programs to be delivered to the licensed personnel employed by a school in school improvement status or a school district in school improvement status or academic distress.

(2)(A) As part of the school improvement plan, the department may require the participation and completion of professional development courses or programs by licensed personnel in the school or school district as appropriate for the licensed personnel's job assignments and duties.

(B) Licensed personnel employed by any school in school improvement or school district in school improvement or academic distress

shall participate in, complete, and pass the assessment for the professional development requirements included in the school's or school district's school improvement plan.

(i) The department shall further enhance its leadership role in professional development for licensed personnel by:

(1) Developing technology-based professional development programs and other enhanced professional development options for school districts and licensed personnel; and

(2) Employing two (2) persons who have a high level of expertise in professional development for the purpose of enhancing professional development opportunities as set forth in this section.

History. Acts 2005, No. 2318, § 1; 2006 (1st Ex. Sess.), No. 36, § 1; 2011, No. 989, §§ 47, 48; 2013, No. 1138, § 35.

Amendments. The 2011 amendment substituted "licensed" for "certified" in

(c)(7) and (g) through (i); and deleted "Beginning with the 2006-2007 school year at the beginning of (h)(1).

The 2013 amendment substituted "licensed" for "certified" in (b).

6-17-708. Teen suicide awareness and prevention professional development.

(a)(1) The Department of Education shall require two (2) hours of professional development in teen suicide awareness and prevention for licensed public school personnel according to the professional development schedule under § 6-17-709.

(2) The professional development under this section may be accomplished through self-review of suitable suicide prevention materials approved by the department.

(b) The professional development under this section shall count toward the satisfaction of requirements for professional development in the Standards for Accreditation of Arkansas Public Schools and School Districts and for licensure requirements for licensed personnel.

History. Acts 2011, No. 770, § 1; 2013, No. 969, § 7.

Amendments. The 2013 amendment

rewrote (a)(1); and substituted "professional development" for "in-service training" in (a)(2) and (b).

6-17-709. Professional development schedule.

(a) Beginning with the 2013-2014 school year, a school district or an open-enrollment public charter school shall make available to the appropriate licensed personnel the following professional development:

(1) In the 2013-2014 school year and every fourth school year thereafter, the professional development for mandated reporters and licensed elementary and secondary public school personnel required under § 6-61-133;

(2) In the 2014-2015 school year and every fourth school year thereafter, the parental involvement professional development under § 6-15-1703;

(3) In the 2015-2016 school year and every fourth school year thereafter, the teen suicide awareness and prevention professional development required under § 6-17-708; and

(4) In the 2016-2017 school year and every fourth school year thereafter, the Arkansas history professional development required under § 6-17-703.

(b)(1) Two (2) hours of the professional development required by subsection (a) of this section shall be counted in one (1) school year toward the minimum number of hours of professional development required for licensed educators under the Arkansas Department of Education Rules Governing Professional Development.

(2) If additional hours are obtained by a licensed educator, the school district may count those hours as part of the minimum number of hours of professional development required for licensed educators under the Arkansas Department of Education Rules Governing Professional Development.

(c) Annually, the State Board of Education may require up to six (6) hours of integrated professional development for licensed educators in educational technology.

(d) The Department of Education shall establish the curriculum under this section in collaboration with educational agencies and associations including without limitation the:

- (1) Department of Higher Education;
- (2) Arkansas Association of Educational Administrators;
- (3) Arkansas Education Association;
- (4) Arkansas School Boards Association;
- (5) Arkansas Association for Supervision and Curriculum Development;
- (6) Arkansas State Teachers Association; and
- (7) Arkansas Rural Education Association.

(e)(1) The professional development under this subsection shall not be provided by a school district but shall be provided by:

- (A) The Department of Education;
- (B) An institution of higher education; or
- (C) Providers approved by the Department of Education.

(2)(A) Before a person receives a building level administrator's license, the person shall successfully complete the teacher evaluation professional development program.

(B) A person who receives an initial building level administrator's license shall complete the certification assessment for the teacher evaluation professional development program before or after receiving the initial building level administrator's license.

(3)(A) The Department of Education shall not issue an initial teaching license until the applicant verifies that he or she has obtained the required professional development concerning:

- (i) Mandated reporters under § 6-61-133;
- (ii) Parental involvement under § 6-15-1703;
- (iii) Teen suicide awareness and prevention under § 6-17-708; and

(iv) Arkansas history under § 6-17-703.

(B) For a teaching license issued under the state's reciprocity provisions to an out-of-state teacher, the Department of Education shall issue a provisional license until the licensee obtains the professional development identified in subdivision (e)(3)(A) of this section.

History. Acts 2013, No. 969, § 8.

SUBCHAPTER 8 — TEACHERS' SALARIES GENERALLY

SECTION.

6-17-803. Optional contract payable in monthly installments.

6-17-805. Deduction for professional membership dues.

6-17-806. [Repealed.]

6-17-807. Additional days.

6-17-808. [Repealed.]

6-17-809. Teachers for the visually impaired entering state service.

SECTION.

6-17-810. Teachers for the hearing impaired entering state service.

6-17-811. Incentives for teacher recruitment and retention in high-priority districts.

Effective Dates. Acts 2009, No. 969, § 2: July 1, 2009. Emergency clause provided: "It is found and determined by the General Assembly of the State of Arkansas that there are school districts in economically depressed and low property-wealth areas of the state that face difficulties competing with surrounding, geographically close school districts with regard to teacher salaries and that this makes it difficult for districts in such economically depressed and low property-

wealth areas to recruit and retain qualified teachers; that this act will provide assistance to those high-priority districts to assist them in recruiting and retaining such teachers; and that this act is immediately necessary to provide that assistance for the 2009-2010 school year. Therefore, an emergency is declared to exist and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2009."

6-17-803. Optional contract payable in monthly installments.

(a)(1) Any school district in this state, at the option of the school district board of directors, may enter into contracts for the hiring of teachers to teach in the next coming school year, whereby the annual salaries of such teachers may be paid on the basis of twelve (12) equal monthly installments.

(2) In no case shall the monthly installments under such contracts commence earlier than the first day of the commencement of the school fiscal year covered by the contract.

(b)(1) Any contract entered into pursuant to this section whereby payments are to be made prior to the commencement of the teaching duties under such contract in the school year covered thereby shall contain a clause clearly setting forth the liability of any teacher who

receives payments prior to the commencement of teaching duties and who refuses to perform under the terms of the contract.

(2) Such clause shall be to the effect that any schoolteacher breaching such a contract shall be indebted to the school district for the amount of moneys received by him or her under the contract prior to the commencement of his or her teaching duties.

(3) If any teacher fails to repay any money owed to a school district upon a contract breached by him or her, the secretary of the school district shall certify the failure to the Department of Education, and the State Board of Education shall suspend the teacher's license until all of the money is repaid.

(c) Any school district, or any officer thereof, charged with the responsibility of negotiating and entering into contracts for the employment of teachers for such school district shall be relieved of any liability arising from the breach of any contract made in good faith pursuant to the provisions of this section.

History. Acts 1965, No. 70, §§ 1-3; A.S.A. 1947, §§ 80-1330 — 80-1332; Acts 2011, No. 989, § 49.

in (b)(3), substituted "State Board of Education shall suspend the" for "department revoke such" and deleted "to teach" preceding "until all."

Amendments. The 2011 amendment,

6-17-805. Deduction for professional membership dues.

(a) Upon the written request of any teacher or classified employee, the board of directors of any school district of the state shall deduct from the salary of that teacher or classified employee such sums as the teacher or classified employee shall specify for the payment of membership dues in any bona fide teacher's or employee's educational professional organization designated by the teacher or classified employee in the request.

(b) The teacher or classified employee may request a lump-sum deduction or have the sum to be deducted spread over the school year.

(c) The board of directors, or its authorized representative, shall transmit the sum deducted to the organizations designated by the teacher or classified employee in the request.

(d) All requests shall bear the manual signature of the teacher or classified employee.

(e) The request shall be filed with the contract of the teacher or classified employee and shall be subject to audit by the Division of Legislative Audit.

(f) As used in this section:

(1) "Classified employee" means any person employed by a school district under a written annual contract who is not required to have a teaching license issued by the Department of Education as a condition of employment; and

(2) "Teacher" means any person holding a license issued by the State of Arkansas and employed by a school district in a teaching, instructional, supervisory, administrative, or educational and scientific capacity.

History. Acts 1969, No. 108, §§ 1, 2; A.S.A. 1947, §§ 80-1333, 80-1334; Acts 2003 (2nd Ex. Sess.), No. 111, § 1; 2013, No. 1138, § 36.

Amendments. The 2013 amendment substituted "license" for "certificate" in (f)(1) and (f)(2).

6-17-806. [Repealed.]

Publisher's Notes. This section, concerning the Arkansas Teachers' Salaries Study Commission, was repealed by Acts

2013, No. 1155, § 14. The section was derived from Acts 1985, No. 1047, § 1; 1987, No. 97, § 1; 1991, No. 54, § 1.

6-17-807. Additional days.

(a) If a teacher is required to work more days than provided for under the teacher's contract, then the teacher's pay under the contract shall be increased proportionately so that the teacher will receive pay for each additional day the teacher is required to work at no less than the daily rate paid to the teacher under the teacher's contract.

(b) Each school district in this state shall establish a normal base contract period for teachers.

(c) The normal base contract period for each school district shall be the number of days the majority of teachers employed by the school district in the 2000-2001 school year are required to work as specified on the 2000-2001 contracts as of March 1, 2001.

(d) If the normal base contract period in any school district is increased, the teacher's pay under the contract shall be increased proportionately so that the teacher will receive pay for each day added to the contract at no less than the daily rate paid to the teacher under the teacher's current existing contract.

(e) This section shall not apply to separate contracts for employment with a teacher to teach summer school or to perform services that do not require the teacher to hold a teaching license to perform those services.

(f) If the school district desires to employ a teacher part time to perform services for the school district in the teacher's field of licensure after expiration of the normal base contract, as part of the teacher's normal teaching contract, the school district may contract for such part-time work as long as the teacher is agreeable and is paid on a pro rata basis for that work.

(g) A school district which contracts with a teacher to teach summer school or to perform services that do not require the teacher to hold a teaching license to perform those services shall enter into a separate contract with the teacher for those services and shall not condition initial employment of the teacher or renewal of the teacher's regular teaching contract on entering into such a separate contract.

History. Acts 1989, No. 712, § 1; 2001, No. 1735, § 1; 2011, No. 989, § 50.

substituted "license" for "certificate" in (e) and (g); and substituted "licensure" for "certification" in (f).

Amendments. The 2011 amendment

6-17-808. [Repealed.]

Publisher's Notes. This section, concerning the Arkansas Classified Personnel Salaries Study Commission, was repealed by Acts 2009, No. 376, § 28. The section

was derived from Acts 1991, No. 395, §§ 1-4; 1997, No. 112, § 9; 1999, No. 391, §§ 7, 8; 1999, No. 1542, § 1.

6-17-809. Teachers for the visually impaired entering state service.

Upon the superintendent's certification to the state personnel administrator of prior service at an educational institution and of the most recent contractual salary, the salary of teachers holding licensure in teaching the visually impaired and entering state service as teachers for the sensory impaired may be adjusted to a rate of pay closest to but not less than their most recent annual salary.

History. Acts 1999, No. 1012, § 9; 2011, No. 989, § 51.

A.C.R.C. Notes. Acts 2011, No. 533, § 13, provided: "CERTIFIED MASTERS OR BACHELOR TEACHERS ENTERING STATE SERVICE. Upon the superintendent's certification to the State Personnel Administrator of prior service at an educational institution, the salary of teachers entering state service as teachers for the sensory impaired may be adjusted to a rate of pay closest to but not less than the annual salary they would have received from their previous employer, effective upon employment at ASB.

"The provisions of this section shall be in effect only from July 1, 2011 through June 30, 2012."

Acts 2012, No. 180, § 13, provided: "CERTIFIED MASTERS OR BACHELOR TEACHERS ENTERING STATE SERVICE. Upon the superintendent's certification to the State Personnel Administrator of prior service at an educational institution, the salary of teachers entering state service as teachers for the sensory impaired may be adjusted to a rate of pay closest to but not less than the annual salary they would have received from their previous employer, effective upon employment at ASB.

"The provisions of this section shall be in effect only from July 1, 2012 through June 30, 2013."

Acts 2013, No. 1046, § 14, provided: "CERTIFIED MASTERS OR BACHELOR TEACHERS ENTERING STATE SERVICE. Upon the superintendent's certification to the State Personnel Administrator of prior service at an educational institution, the salary of teachers entering state service as teachers for the sensory impaired may be adjusted to a rate of pay closest to but not less than the annual salary they would have received from their previous employer, effective upon employment at ASB.

"The provisions of this section shall be in effect only from July 1, 2013 through June 30, 2014."

Acts 2013, No. 1047, § 10, provided: "CERTIFIED MASTERS OR BACHELOR TEACHERS ENTERING STATE SERVICE. Upon the superintendent's certification to the State Personnel Administrator of prior service at an educational institution, the salary of teachers entering state service as teachers may be adjusted to a rate of pay closest to but not less than the annual salary they would have received from their previous employer, effective upon employment at ASD.

"The provisions of this section shall be in effect only from July 1, 2013 through June 30, 2014."

Amendments. The 2011 amendment substituted "licensure" for "certification."

6-17-810. Teachers for the hearing impaired entering state service.

Upon the superintendent's certification to the state personnel administrator of prior service at an educational institution and of the most recent contractual salary, the salary of teachers holding licensure in teaching the hearing impaired and entering state service as teachers for the sensory impaired may be adjusted to a rate of pay closest to but not less than their most recent annual salary.

History. Acts 1999, No. 1013, § 14; 2011, No. 989, § 52.

A.C.R.C. Notes. Acts 2011, No. 532, § 10, provided: "CERTIFIED MASTERS OR BACHELOR TEACHERS ENTERING STATE SERVICE. Upon the superintendent's certification to the State Personnel Administrator of prior service at an educational institution, the salary of teachers entering state service as teachers may be adjusted to a rate of pay closest to but not less than the annual salary they would have received from their previous employer, effective upon employment at ASD.

"The provisions of this section shall be in effect only from July 1, 2011 through June 30, 2012."

Acts 2012, No. 170, § 10, provided: "CERTIFIED MASTERS OR BACHELOR TEACHERS ENTERING STATE SERVICE. Upon the superintendent's certification to the State Personnel Administrator of prior service at an educational institution, the salary of teachers entering state service as teachers may be adjusted to a rate of pay closest to but not less than the annual salary they would have received from their previous employer, effective upon employment at ASD.

"The provisions of this section shall be in effect only from July 1, 2012 through June 30, 2013."

Acts 2013, No. 1046, § 14, provided: "CERTIFIED MASTERS OR BACHELOR TEACHERS ENTERING STATE SERVICE. Upon the superintendent's certification to the State Personnel Administrator of prior service at an educational institution, the salary of teachers entering state service as teachers for the sensory impaired may be adjusted to a rate of pay closest to but not less than the annual salary they would have received from their previous employer, effective upon employment at ASB.

"The provisions of this section shall be in effect only from July 1, 2013 through June 30, 2014."

Acts 2013, No. 1047, § 10, provided: "CERTIFIED MASTERS OR BACHELOR TEACHERS ENTERING STATE SERVICE. Upon the superintendent's certification to the State Personnel Administrator of prior service at an educational institution, the salary of teachers entering state service as teachers may be adjusted to a rate of pay closest to but not less than the annual salary they would have received from their previous employer, effective upon employment at ASD.

"The provisions of this section shall be in effect only from July 1, 2013 through June 30, 2014."

Amendments. The 2011 amendment substituted "licensure" for "certification."

6-17-811. Incentives for teacher recruitment and retention in high-priority districts.

(a) As used in this section:

(1) "High-priority district" means a public school district:

(A) In which eighty percent (80%) or more of public school students are national school lunch students; and

(B)(i) Except as provided by subdivision (a)(1)(B)(ii) of this section, that had a three-quarter average daily membership in the previous year of one thousand (1,000) or fewer students.

(ii) In order to further the state's policy of encouraging efficiency and the expansion of available course offerings that might be achieved through the voluntary consolidation or annexation of school districts, qualifying teachers in the resulting school district in an approved voluntary consolidation under § 6-13-1404(a)(2) or § 6-13-1603(a) or in a receiving district in an approved voluntary annexation under § 6-13-1403(a)(2)-(4) or § 6-13-1603(a) shall continue to receive the funding provided under this section if all school districts in the voluntary consolidation or annexation were high-priority districts in the immediately preceding school year, even if the average daily membership of the resulting or receiving school district is one thousand (1,000) or above.

(iii) By April 15 of each year, the State Board of Education shall determine the districts that qualify as high-priority districts of the state;

(2)(A) "National school lunch students" means those students or the percentage of enrolled students from low socioeconomic backgrounds as indicated by eligibility for free or reduced-price meals under the National School Lunch Act as determined on October 1 of each previous school year and submitted to the Department of Education, unless the school district is identified by the Department of Education as participating in the special assistance certification and reimbursement alternative implemented under 42 U.S.C. § 1759a, as interpreted in 7 C.F.R. § 245.9.

(B) If the school district is participating under 42 U.S.C. § 1759a, then for purposes of this section, the school district's annual percentage of national school lunch students is equal to the percentage submitted in the base year, which means the last school year for which eligibility determinations were made and meal counts were taken by type;

(3)(A) "New teacher bonus" means an incentive bonus provided under subdivisions (b)(1)-(3) of this section to a teacher who is within the first three (3) years of employment with a single high-priority district.

(B) A teacher is not entitled to receive a new teacher bonus from any high-priority district other than the high-priority district that first employed the teacher and paid the teacher a new teacher bonus;

(4) "Previous year" means the school year immediately preceding the present school year;

(5) "Retention bonus" means an incentive bonus provided under subdivision (b)(4) or subdivision (b)(5) of this section; and

(6)(A) "Teacher" means a licensed classroom teacher who spends seventy percent (70%) of his or her time working directly with students in a classroom setting teaching all grade-level or subject-matter appropriate classes.

(B) "Teacher" includes a guidance counselor or librarian.

(b) At the end of the school year and upon completion of a licensed teacher's contracted teaching obligations, a teacher who completes the

entire current school year teaching in a high-priority district may be entitled to receive in addition to all other contracted salary and benefits:

(1) For a newly hired teacher who has not previously taught in a high-priority district, a one-time signing bonus of five thousand dollars (\$5,000) for the first year of service in the high-priority district, to be paid upon completion of the full year of teaching;

(2) For a newly hired teacher who meets the requirements of subdivision (b)(1) of this section, who continues to teach in the same high-priority district, and who completes the second full year of contracted teaching obligations, a new teacher bonus of four thousand dollars (\$4,000) in addition to all other contracted salary and benefits;

(3) For a teacher who meets the requirements of subdivisions (b)(1) and (2) of this section, who continues to teach in the same high-priority district, and who completes a third year of contracted teaching obligations, a new teacher bonus of four thousand dollars (\$4,000) in addition to all other contracted salary and benefits;

(4) For a teacher who meets the requirements of subdivisions (b)(1)-(3) of this section, who enters his or her fourth or subsequent year of service with the same high-priority district or begins employment with a high-priority district other than the high-priority district where he or she was employed at the time he or she received a new teacher bonus under subdivisions (b)(1)-(3) of this section, a retention bonus of three thousand dollars (\$3,000) for the fourth and each subsequent complete year of service in the high-priority district, to be paid at the end of the school year after completing all contractual obligations; and

(5) For a teacher employed in a high-priority district who does not meet the requirements of subdivisions (b)(1)-(3) of this section, a retention bonus of three thousand dollars (\$3,000) for each complete year of service in the high-priority district, to be paid at the end of the school year after completing all contractual obligations.

(c)(1) A teacher shall not be entitled to a bonus provided under this section unless the teacher has fulfilled his or her contractual obligations for the current school year.

(2) The superintendent of the high-priority district where the teacher is employed shall certify in writing to the department that the teacher has completed all contractual obligations for the school year.

(d) The department shall:

(1) Monitor the implementation of the incentive program established by this section;

(2) Collect data to be used to evaluate the incentive program's effectiveness; and

(3) Promulgate any necessary rules to administer the requirements of this teacher recruitment and retention program.

(e)(1) The bonus amounts provided under this section are the maximum amounts to be paid to qualifying teachers in high-priority districts and are subject to the appropriation and availability of funding for the payment of the bonuses.

(2) If the funds appropriated and available for the payment of the bonuses under this section are insufficient to pay the maximum bonus amounts to each qualifying teacher, the department shall distribute the available funding to qualified teachers on a pro rata basis.

History. Acts 2003 (2nd Ex. Sess.), No. 101, § 1; 2005, No. 1962, § 12; 2005, No. 2151, § 31; 2007, No. 1044, § 1; 2009, No. 969, § 1; 2011, No. 1135, § 1.

Amendments. The 2009 amendment rewrote (a); rewrote the introductory language of (b); substituted “five thousand dollars (\$5,000)” for “four thousand dollars (\$4,000)” in (b)(1); substituted “four thousand dollars (\$4,000)” for “three thousand dollars (\$3,000)” in (b)(2) and (b)(3); substituted “three thousand dollars (\$3,000)” for “two thousand dollars

(\$2,000)” in (b)(4) and (b)(5); deleted former (d); redesignated former (e) as (d); added present (e); and made minor stylistic changes throughout.

The 2011 amendment substituted “national school lunch students” for “eligible for the free or reduced-price lunch program under the National School Lunch Act based on the October 1 student count of the previous year submitted to the Department of Education” in (a)(1); and inserted present (a)(2) and redesignated the remaining subdivisions accordingly.

SUBCHAPTER 9 — THE ARKANSAS TEACHERS’ SALARY LAW

SECTION.

6-17-908. Teachers’ salary fund.

6-17-915. Filing of personnel lists.

SECTION.

6-17-919. Warrants void without valid license and contract.

6-17-908. Teachers’ salary fund.

(a) Only warrants or checks in payment of the following shall be paid from the teachers’ salary fund:

- (1) Salaries of teachers;
- (2) Dues of teachers to professional organizations;
- (3) Teachers’ contributions to the Arkansas Teacher Retirement System; and
- (4)(A) Insurance or other fringe benefits for teachers.

(B) However, insurance or other fringe benefits must be approved by a majority of the teachers in the school district voting in a secret election.

(b) The county treasurer and his or her surety or the district treasurer, if the school district has its own treasurer, and his or her surety shall be liable for any warrants or checks paid from the teachers’ salary fund which are not herein authorized.

(c) No officer, agent, or other person shall charge or collect any commission for handling any part of the teachers’ salary fund.

History. Acts 1941, No. 319, §§ 3, 15; 1943, No. 136, § 2; 1945, No. 301, § 2; 1979, No. 602, § 1; A.S.A. 1947, §§ 80-1303, 80-1315; Acts 1993, No. 294, § 11; 2009, No. 376, § 29.

Amendments. The 2009 amendment subdivided (a); deleted “as defined in § 6-17-902” following “teachers” in (a)(1); and made related and minor stylistic changes.

6-17-915. Filing of personnel lists.

The ex officio financial secretary of each school district in the state shall file on or before October 1 of each year a list of all licensed personnel and all classified personnel employed by the school district for the current year setting forth the annual salary of each and such other information as the State Board of Education may prescribe.

History. Acts 1941, No. 319, § 5; 1945, No. 301, § 4; 1949, No. 451, § 4; 1979, No. 719, § 1; A.S.A. 1947, § 80-1305; Acts 2011, No. 989, § 53.

Amendments. The 2011 amendment substituted "all licensed personnel and all classified personnel" for "all personnel, certified and noncertified."

6-17-919. Warrants void without valid license and contract.

(a) All warrants issued in payment of teachers' salaries are void unless:

(1)(A) The teacher is licensed to teach in the State of Arkansas by a license issued by the State Board of Education; or

(B) The teacher is a substitute teacher employed under § 6-15-1004 and rules of the State Board of Education;

(2) The teacher has been employed by a valid written contract; and

(3) Copies of such contract are on file in the office of the county treasurer or the school district treasurer if the school district has its own treasurer.

(b) The school district superintendent and the superintendent's surety shall be liable for any warrants that he or she countersigns in payment of teachers' salaries unless and until the state board has issued a valid license or the department has provided the documentation required by subdivision (a)(1)(B) of this section.

(c) The county treasurer, or the school district treasurer if the school district has its own treasurer, and his or her surety shall be liable for all warrants in payment of teachers' salaries that he or she pays unless and until there is a valid contract on file in his or her office.

History. Acts 1941, No. 319, § 4; 1959, No. 455, § 1; 1961, No. 63, § 1; 1973, No. 496, § 2; 1983, No. 402, § 1; A.S.A. 1947, § 80-1304; Acts 1993, No. 294, § 11; 1995, No. 233, § 8; 1995, No. 1296, § 20; 1999, No. 1078, § 69; 2007, No. 710, § 4; 2013, No. 454, § 5.

Amendments. The 2013 amendment substituted "teacher is a substitute teacher employed under § 6-15-1004 and rules of the State Board of Education" for "public school district ... department in the documentation" in (a)(1)(B).

SUBCHAPTER 11 — INSURANCE**SECTION.**

- 6-17-1109. Life and disability insurance
— Notice, evaluation, and approval of bid proposals.
- 6-17-1111. Life and disability insurance
— Employee eligibility — Allocation of costs.

SECTION.

- 6-17-1112. Life and disability insurance
— Members of retirement systems.
- 6-17-1113. School Worker Defense Program.
- 6-17-1114. Cooperation.

SECTION.

6-17-1117. Health insurance.

Effective Dates. Acts 2011, No. 993, § 18: Apr. 1, 2011. Emergency clause provided: "It is found and determined by the General Assembly of the State of Arkansas that it is the state's constitutional obligation to provide a general, suitable, and efficient free system of public schools in the state; that the public school funding distribution changes in this act are needed to ensure that proper funding is provided to the affected public charter schools; and that this act is immediately necessary so that the affected public charter schools will receive the amount of

funding provided under this act for the current school year. Therefore, an emergency is declared to exist and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on: (1) The date of its approval by the Governor; (2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or (3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto."

6-17-1109. Life and disability insurance — Notice, evaluation, and approval of bid proposals.

(a) Before selecting a policy or entering into an agreement with an insurance company for the providing of life or disability insurance for public school employees as authorized in this subchapter, the State and Public School Life and Health Insurance Board shall publicize, by inserting in one (1) or more newspapers having a general circulation in the State of Arkansas, notice that bid proposals for the providing of life or disability insurance for public school employees will be received by the board on the date and at the place stated in the notice.

(b) The notice shall be published by two (2) insertions with the first insertion to be at least thirty (30) days before the date for receiving bids and with the second insertion to be not later than two (2) weeks before the date for receiving bids.

(c)(1) The board shall open all bids in a public meeting at the time and place established in the notice for receiving bid proposals.

(2) All bids so opened shall be made available for public inspection.

(d)(1) The board shall evaluate each bid proposal according to the uniform criteria established by the Insurance Commissioner for evaluating benefits in relation to premiums to be charged for the benefits.

(2) The board shall also determine that each insurance company submitting a bid meets the minimum standards for financial solvency and ability to provide services as promulgated by the commissioner.

(e) After reviewing all bids, the board may approve the policy proposal with the insurance company that the board determines has submitted the bid with the best benefit coverage in relation to the premiums to be paid, as the board determines to be in the best interest of the public school employees' life or disability program.

(f) A bid contract shall be for a minimum of five (5) years.

(g) However, the board may reject any bid and readvertise for bids as set forth in this section.

History. Acts 1977, No. 834, § 10; A.S.A. 1947, § 80-5110; Acts 1993, No. 855, § 3; 2009, No. 376, § 30.

Amendments. The 2009 amendment substituted “board” for “committee”

throughout the section; substituted “State and Public School Life and Health Insurance Board” for “committee” in (a); subdivided (c) and (d); and made related and minor stylistic changes.

6-17-1111. Life and disability insurance — Employee eligibility — Allocation of costs.

(a) Eligible employees shall include:

(1) All licensed employees in public schools who are normally expected to work nine hundred (900) hours or more per year, whose salaries are paid from the school district’s teacher salary fund, and all other employees of public schools who are normally expected to work nine hundred (900) hours or more per year and whose salaries are paid from the school district’s local or state revenue; and

(2)(A) All other employees of the school district whose salaries are not paid from the school district’s local or state revenues, provided these employees are licensed or they are normally expected to work nine hundred (900) hours or more per year.

(B) The employing school district is required to pay the same amount per month for the employees in subdivision (a)(2)(A) of this section as the General Assembly appropriates for employees in subdivision (a)(1) of this section.

(C) The State and Public School Life and Health Insurance Board may establish the manner in which this payment is to be made if the manner of payment is not in violation of any other law, rule, or regulation governing the school district.

(b) If an employee draws part of his or her salary from the school district’s local or state revenue and part of his or her salary from another fund administered by the school district, the employer’s share of the cost of his or her insurance shall be prorated between the provisions of subdivisions (a)(1) and (2) of this section.

History. Acts 1977, No. 834, § 12; 1983, No. 321, § 1; A.S.A. 1947, § 80-5112; Acts 1987, No. 632, § 1; 2009, No. 376, § 31; 2011, No. 989, § 54; 2013, No. 1138, § 37.

Amendments. The 2009 amendment, in (2)(C), substituted “State and Public School Life and Health Insurance Board” for “committee,” and made minor stylistic changes.

The 2011 amendment substituted “licensed” for “certified” in (1) and (2)(A).

The 2013 amendment subdivided and redesignated part of the former introductory language as present (a) and former (3) as present (b); in (a)(2)(B), substituted “the employees in subdivision (a)(2)(A) of this section” for “these employees” and “(a)(1)” for “(1)”; and, in present (b), substituted “If an employee draws” for “In the event that an employee shall draw” and inserted “(a)” near the end.

6-17-1112. Life and disability insurance — Members of retirement systems.

(a) Members of the Arkansas Teacher Retirement System and the Arkansas Public Employees' Retirement System who have rendered, or shall render, service as employees of the public schools who hereafter retire and receive retirement benefits under such systems shall be eligible to participate in the group insurance program administered by the Employee Benefits Division of the Department of Finance and Administration under the provisions of this subchapter and other laws enacted to implement such programs, provided that such persons are participating in the group insurance program at the time of retirement.

(b)(1) In addition, upon the death of an active member of the Arkansas Teacher Retirement System, the survivors of such member who are eligible for or are receiving an annuity under the system and who were covered on the active member's health insurance policy at the time of death shall have the option of continuing to be a member of such insurance group at the prevailing rates established for members of the Arkansas Teacher Retirement System, upon application for such coverage.

(2) Upon the death of a retired member of the Arkansas Teacher Retirement System, a survivor of a member who was receiving an annuity under the system and who was covered on the member's health insurance policy at the time of the member's death shall have the option of continuing to be a member of the insurance group at the prevailing rates established for the members of the Arkansas Teacher Retirement System upon application for the coverage.

(c)(1) A person drawing retirement benefits under the Arkansas Teacher Retirement System and the Arkansas Public Employees' Retirement System who elects to participate or continue to participate in the group insurance program provided by the division shall pay the retiree portion of the premium or cost of the policy.

(2) The retiree portion of the premium or cost shall be deducted from the retirement benefit check of the participant.

(d) To the extent that funding is appropriated and available for this purpose, the retiree portion of the premium or cost of a health insurance policy under this section for a member of the Arkansas Teacher Retirement System who is not Medicare primary shall not exceed the retiree portion of the premium or cost of a health insurance policy under this section for a member of the Arkansas Public Employees' Retirement System who is not Medicare primary.

(e)(1) The state may make a monthly contribution on behalf of the members who participate in the Arkansas Teacher Retirement System and the Arkansas Public Employees' Retirement System group insurance program provided by the division multiplied by the amount necessary to meet the requirement of subsection (d) of this section.

(2) The state contribution amount shall not exceed the state contribution amount permitted by law for state contributions for members

and retirees of the Arkansas Teacher Retirement System and the Arkansas Public Employees' Retirement System to the division for the benefit of state employees as provided in § 21-5-414.

(3) The Department of Finance and Administration may make a monthly contribution to partially defray the cost of the group insurance provided in this section utilizing funds made available for that purpose, not to exceed the amount authorized by law.

History. Acts 1977, No. 834, § 12; 1985 (1st Ex. Sess.), No. 10, § 1; 1985 (1st Ex. Sess.), No. 19, § 1; A.S.A. 1947, § 80-5112; Acts 2009, No. 1172, § 1.

Amendments. The 2009 amendment substituted "administered by the Employee Benefits Division of the Department of Finance and Administration under" for "instituted pursuant to" in (a); inserted (b)(2) and redesignated the exist-

ing text of (b) as (b)(1) and (c); in (b)(1), deleted "or a retired member" following "active member," and inserted "or are receiving" and "health insurance"; in (c)(1), substituted "by the Employee Benefits Division of the Department of Finance and Administration" for "for herein," and substituted "retiree portion" for "full amount"; added (d) and (e); and made related and minor stylistic changes.

6-17-1113. School Worker Defense Program.

(a)(1) The Department of Education shall establish a School Worker Defense Program for the protection under subdivision (a)(2) of this section of:

- (A) Education service cooperatives;
- (B) Education service cooperative board members;
- (C) School districts;
- (D) Public charter schools;
- (E) School board members;
- (F) School treasurers and bookkeepers;
- (G) School nurses;
- (H) School secretaries;
- (I) Substitute teachers;
- (J) Authorized volunteers;
- (K) Volunteers in a registered volunteers program;
- (L) School custodians;
- (M) Food service workers employed by public schools;
- (N) Bus drivers and mechanics employed by public schools;
- (O) Maintenance personnel employed by public schools;
- (P) Each employee of the following who is required to hold an educator license issued by the department:
 - (i) A public school district;
 - (ii) The Arkansas School for Mathematics, Sciences, and the Arts;
 - (iii) The Arkansas School for the Deaf; and
 - (iv) The Arkansas School for the Blind;
- (Q) A public charter school teacher;
- (R) Each teacher's aide and each student teacher:
 - (i) In a public school district;
 - (ii) In a public charter school;
 - (iii) In the Arkansas School for Mathematics, Sciences, and the Arts;

- (iv) In the Arkansas School for the Deaf; and
- (v) In the Arkansas School for the Blind; and
- (S) Each member of the dormitory staff of:
 - (i) The Arkansas School for Mathematics, Sciences, and the Arts;
 - (ii) The Arkansas School for the Deaf; and
 - (iii) The Arkansas School for the Blind.

(2) This section provides protection against civil liability, attorney's fees, and costs of defense for acts or omissions of each employee or volunteer in the performance of his or her duties as a volunteer or his or her official duties as a school employee, including civil liability for administering corporal punishment to students, in the amount of two hundred fifty thousand dollars (\$250,000) for incidents which occurred prior to July 1, 1999, and one hundred fifty thousand dollars (\$150,000) for each incident which occurs after June 30, 1999.

(b)(1) The program is further authorized to provide limited financial reimbursement not to exceed five thousand dollars (\$5,000) for attorney's fees and costs for the defense of criminal charges if the covered person is exonerated by a court of law or if all charges are subsequently withdrawn or dismissed unless:

(A) Withdrawal or dismissal of the criminal charges is conditioned upon termination of employment or surrender of a professional license; or

(B) The covered person enters a plea of guilty or nolo contendere to the criminal charges.

(2) The School Worker Defense Program Advisory Board may authorize reimbursement under this subsection (b) in excess of five thousand dollars (\$5,000) in matters that the advisory board finds to require extraordinary attorney's fees and costs.

(c)(1) The cost of the School Worker Defense Program shall be paid annually out of funds in the Public School Fund that are designated for that specific purpose.

(2) Any school districts previously covered by or moneys expended pursuant to the self-insurance program of the department or the School Worker Defense Program shall be deemed a proper expenditure of state funds.

(d) The investigation of any incident or the defense of any protected person does not waive or forfeit any immunity or authorization to provide for hearing and settling claims extended to educational entities and their personnel by the laws of the State of Arkansas.

(e)(1) The defense fund and protection program authorized in this section shall be a part of and administered by the department.

(2) The department shall adopt appropriate rules and regulations necessary to carry out the purposes of this section.

(f) Any person entitled to payment under the program may appeal the decision of the department to the advisory board.

History. Acts 1977, No. 585, §§ 1, 2, 4; 113.1 — 80-113.3; Acts 1987, No. 612, § 1; 1983, No. 566, § 1; A.S.A. 1947, §§ 80- 1989, No. 274, § 1; 1991, No. 276, § 1;

1993, No. 355, § 1; 1997, No. 948, § 1; 1997, No. 1012, § 7; 1997, No. 1305, § 1; 1999, No. 540, § 1; 2011, No. 993, § 1; 2013, No. 1073, §§ 25, 26; 2013, No. 1138, § 38.

Amendments. The 2011 amendment redesignated former (a) as present (a)(1); inserted “under subdivision (a)(2) of this section” in the introductory language of (a)(1); redesignated former (a)(1) through (a)(17) as (a)(1)(A) through (a)(1)(S); inserted (a)(1)(D); added “the following who is required to hold a teaching certificate issued by the department” in the introduc-

tory language of (a)(1)(P); deleted “who is required to hold a teaching certificate issued by the department” following “Blind” in (a)(1)(P)(iv); inserted (a)(1)(Q); added the (a)(2) designation; and added “This section provides protection” at the beginning of (a)(2).

The 2013 amendment by No. 1073, in (b)(1), deleted “such withdrawal” following “unless” and inserted designation (A) and added (B).

The 2013 amendment by No. 1138 substituted “an educator license” for “a teaching certificate” in (a)(1)(P).

6-17-1114. Cooperation.

It is the duty of the State and Public School Life and Health Insurance Board, the Supervisor of the Public School Employees Insurance Section and the insurance section employees, the Department of Education, and each public school district and their officers and employees:

(1) To cooperate with one another, when called upon to do so, in all such reasonable ways as will assist or further the objectives of the board by making available records and statistical or other data or information to provide legal and actuarial advice; and

(2) If required, to occasionally make available the services of their officers and employees.

History. Acts 1977, No. 834, § 13; A.S.A. 1947, § 80-5113; Acts 2009, No. 376, § 32.

Amendments. The 2009 amendment substituted “State and Public School Life

and Health Insurance Board” for “committee” in the introductory language; substituted “board” for “committee” in (1); and made minor stylistic changes.

6-17-1117. Health insurance.

(a)(1) Beginning on January 1, 2014, a school district shall pay the health insurance contribution rate of one hundred fifty dollars (\$150) per month for each eligible employee electing to participate in the public school employees’ health insurance program.

(2) The contribution rate under this subsection (a) shall increase annually by the same percentage that the legislature increases the salary and benefit component of the per-student foundation funding amount under § 6-20-2305.

(b)(1)(A) The Department of Education shall pay the Employee Benefits Division of the Department of Finance and Administration a minimum of sixty-one dollars (\$61.00) per month for each eligible employee electing to participate in the public school employees’ health insurance program administered by the State and Public School Life and Health Insurance Board.

(B) The Department of Education shall make the total contributions under subdivision (b)(1)(A) of this section by transferring

thirty-five million dollars (\$35,000,000) to the division in eleven (11) equal monthly installments.

(2) The funds provided to the division under this subsection shall be administered by the board for the benefit of the employee participants of the public school employees' health insurance program.

(3)(A) In the event that appropriation or funding is not provided, the department shall not be responsible for the increased payments for the public school employees' health insurance program as established by this section.

(B) If funding and appropriation are provided but are inadequate for the total number of employees electing to participate in the public school employees' health insurance program, the department shall pay a proportional share on behalf of each participant.

(C) If funding and appropriation are provided and exceed the amount needed to make the minimum contribution under subdivision (b)(1)(A) of this section, the department shall pay a proportional share of the excess on behalf of each participant.

(c)(1) A school district shall:

(A) Provide the same employer-provided health insurance benefits for all full-time school district employees; and

(B) Pay the same employer contribution rate for each eligible employee electing to participate in the public school employees' health insurance program.

(2) If a school district entered into a contract with a superintendent, teacher, or other personnel prior to April 11, 2006, and the contract provides for a higher employer contribution rate than is paid for a majority of the licensed personnel in the school district, then the school district may continue to pay the higher contribution rate as provided under the existing contract but not under extensions, addendums, or new contracts created after April 11, 2006, without increasing all other employees to the same rate.

(3) Any school district that entered into contracts with classified personnel prior to July 31, 2007, and the contracts provided for a higher employer contribution funding amount than is paid for licensed personnel in the school district shall freeze the employer contribution funding amount for classified employees until such time as the funding amount contributed for licensed personnel equals or exceeds the funding amount provided for classified employees.

History. Acts 1995, No. 1194, § 14; 2001, No. 1745, § 1; 2005, No. 1842, § 1; 2006 (1st Ex. Sess.), No. 24, § 1; 2006 (1st Ex. Sess.), No. 25, § 1; 2007, No. 229, § 28; 2007, No. 306, § 1; 2007, No. 1009, § 18; 2007, No. 1420, § 32; 2013, No. 517, § 1; 2013, No. 1138, § 39.

A.C.R.C. Notes. Acts 2009, No. 1421, § 27, provided: "PUBLIC SCHOOL RETIREE HEALTH INSURANCE. The Employee Benefits Division of the Depart-

ment of Finance and Administration may use up to eleven dollars and twenty cents (\$11.20) from each contribution made under Arkansas Code §6-17-1117 (a) to offset the cost of health insurance premiums to eligible members electing to participate in the public school employees' health insurance program as a retiree."

Acts 2010, No. 293, § 25, provided: "PUBLIC SCHOOL RETIREE HEALTH INSURANCE. The Employee Benefits Di-

vision of the Department of Finance and Administration may use up to eleven dollars and twenty cents (\$11.20) from each contribution made under Arkansas Code § 6-17-1117(a) to offset the cost of health insurance premiums to eligible members electing to participate in the public school employees' health insurance program as a retiree."

Acts 2011, No. 855, § 1, provided: "Legislative findings. The General Assembly finds that:

"(1) Morbid obesity causes many medical problems and costly health complications, such as diabetes, hypertension, heart disease, and stroke;

"(2) The cost of managing the complications of morbid obesity, largely due to inadequate treatment, far outweighs the cost of expeditious, effective medical treatment;

"(3) Guidelines developed by the National Institutes of Health, the American Society for Bariatric Surgery, the American Obesity Association, and Shape Up America and embraced by the American Medical Association and the American College of Surgeons recommend that patients who are morbidly obese receive responsible, affordable medical treatment for their obesity; and

"(4) The diagnosis and treatment of morbid obesity should be a clinical decision made by a physician based on evidence-based guidelines."

Acts 2011, No. 855, § 2, provided: "Definitions.

"As used in this subchapter:

"(1) 'Body mass index' means body weight in kilograms divided by height in meters squared; and

"(2)(A) 'Morbid obesity' means a weight that is at least two (2) times the ideal weight for frame, age, height, and gender of an individual as determined by an examining physician.

"(B) Morbid obesity may be measured as a body mass index:

"(i) Equal to or greater than thirty-five kilograms per meter squared (35 kg/m²) with comorbidity or coexisting medical conditions such as hypertension, cardiopulmonary conditions, sleep apnea, or diabetes; or

"(ii) Greater than forty (40) kilograms per meter squared (40 kg/m²)."

Acts 2011, No. 855, § 3, provided: "Pilot

Program on coverage for morbid obesity diagnosis and treatment.

"(a)(1) A state and public school employees health benefit plan that is offered, issued, or renewed on or after January 1, 2012, shall offer coverage for the diagnosis and treatment of morbid obesity.

"(2) The coverage for morbid obesity offered under subdivision (a)(1) of this section includes without limitation coverage for bariatric surgery including:

"(A) Gastric bypass surgery;

"(B) Adjustable gastric banding surgery;

"(C) Sleeve gastrectomy surgery, and

"(D) Duodenal switch biliopancreatic diversion.

"(b) A state and public school employees health benefit plan shall offer the benefits under this section to the same extent as for other medically necessary surgical procedures under the enrollee's or insured's contract or policy with the entity.

"(c) The coverage for morbid obesity diagnosis and treatment offered under this subchapter does not diminish or limit benefits otherwise allowable under a state and public school employees health benefit plan."

Acts 2011, No. 855, § 4, provided: "RULES. The State and Public School Life and Health Insurance Board shall adopt rules to implement this subchapter."

Acts 2011, No. 855, § 5, provided: "This act shall become null and void and cease to have any effect at midnight on December 31, 2017."

Acts 2011, No. 1175, § 25, provided: "The Employee Benefits Division of the Department of Finance and Administration may use up to eleven dollars and twenty cents (\$11.20) from each contribution made under Arkansas Code § 6-17-1117(a) to offset the cost of health insurance premiums to eligible members electing to participate in the public school employees' health insurance program as a retiree."

Acts 2011, No. 1175, § 27, provided: "HEALTH INSURANCE. The appropriation contained herein for Public School Employee Insurance each fiscal year shall be used to provide the state contribution for insurance premiums for employees of the Cooperative Education Services Areas, Vocational Centers, and the school operated by the Department of Correction

who participate in the Arkansas Public School Life and Health Insurance Program.

"The provisions of this section shall be in effect only from July 1, 2011 through June 30, 2012."

Acts 2012, No. 269, § 25, provided: "PUBLIC SCHOOL RETIREE HEALTH INSURANCE. The Employee Benefits Division of the Department of Finance and Administration may use up to eleven dollars and twenty cents (\$11.20) from each contribution made under Arkansas Code §6-17-1117 (a) to offset the cost of health insurance premiums to eligible members electing to participate in the public school employees' health insurance program as a retiree."

Acts 2012, No. 269, § 27, provided: "HEALTH INSURANCE. The appropriation contained herein for Public School Employee Insurance each fiscal year shall be used to provide the state contribution for insurance premiums for employees of the Cooperative Education Services Areas, Vocational Centers, and the school operated by the Department of Correction who participate in the Arkansas Public

School Life and Health Insurance Program.

"The provisions of this section shall be in effect only from July 1, 2012 through June 30, 2013."

Acts 2013, No. 1309, § 28, provided: "PUBLIC SCHOOL RETIREE HEALTH INSURANCE. The Employee Benefits Division of the Department of Finance and Administration may use up to eleven dollars and twenty cents (\$11.20) from each contribution made under Arkansas Code §6-17-1117 (a) to offset the cost of health insurance premiums to eligible members electing to participate in the public school employees' health insurance program as a retiree."

Amendments. The 2013 amendment by No. 517, in (a)(1), substituted "Beginning on January 1, 2014, a school district" for "Beginning on October 1, 2004, local school districts" and "one hundred fifty dollars (\$150)" for "one hundred thirty-one dollars (\$131)"; and added (a)(2).

The 2013 amendment by No. 1138 substituted "licensed" for "certified" in (c)(2) and twice in (c)(3).

SUBCHAPTER 12 — TEACHERS' MINIMUM SICK LEAVE LAW

SECTION.

6-17-1202. Definitions.

6-17-1204. Amount and use of leave.

6-17-1202. Definitions.

As used in this subchapter:

(1) "Accumulated sick leave" means the total number of days of unused sick leave that a teacher has to his or her credit;

(2) "Immediate family" means the teacher's:

(A) Spouse;

(B) Child;

(C) Parent; or

(D) Any other relative if the other relative lives in the same household as the teacher;

(3) "Month or major portion thereof" means twelve (12) or more working days in a calendar month, including all professional development days required by the school district that count toward the annual sixty (60) hours of required professional development for a teacher;

(4) "Sick leave" means absence with full pay from one's duties in a public school for personal illness or illness in one's immediate family, except for an absence due to personal injury resulting from either an assault or other violent criminal act as provided in this subchapter; and

(5) “Teacher” means any full-time employee of a local school district who is compelled by law to secure a license from the State Board of Education as a condition precedent to employment.

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| <p>History. Acts 1971, No. 137, § 2; 1975, No. 386, § 1; A.S.A. 1947, § 80-1250; Acts 1993, No. 1115, § 1; 2005, No. 1195, § 1; 2011, No. 1215, § 1.</p> | <p>Amendments. The 2011 amendment inserted present (3) and redesignated the remaining subdivisions accordingly.</p> |
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6-17-1204. Amount and use of leave.

- (a)(1) Each school district in the state shall provide sick leave for each of its teachers at a minimum rate of one (1) day per month or major portion thereof that the teacher is contracted at full pay.
- (2) A school district shall credit one (1) day of sick leave to a teacher if the teacher:
 - (A) Used one (1) day of sick leave on a mandatory professional development day; and
 - (B) Made up the missed mandatory professional development day on a noncontract day.
- (b) Such leave shall be in force beginning with the first day of the first school term for which each teacher is employed.
- (c) If a teacher resigns or leaves his or her teaching position for any reason before the end of the school term, the employing school district may deduct from his or her last paycheck full compensation for any days of sick leave used in excess of the number of days earned.
- (d) A teacher shall be entitled to sick leave only for reasons of personal illness or illness in his or her immediate family.

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| <p>History. Acts 1971, No. 137, § 3; 1975, No. 386, § 1; A.S.A. 1947, § 80-1251; Acts 2011, No. 1215, § 2.</p> | <p>Amendments. The 2011 amendment inserted (a)(2).</p> |
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SUBCHAPTER 15 — TEACHER FAIR DISMISSAL ACT

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| <p>SECTION. 6-17-1502. Definitions. 6-17-1504. Evaluation — Effect. 6-17-1507. Notice of termination recommendation.</p> | <p>SECTION. 6-17-1510. Board action on termination or nonrenewal — Appeal.</p> |
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6-17-1501. Title.

CASE NOTES

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| <p>ANALYSIS</p> <p>Just Termination. Teacher.</p> <p>Just Termination. Teacher failed to demonstrate that her termination was unlawful and without</p> | <p>just and reasonable cause under the Teacher Fair Dismissal Act of 1983, §§ 6-17-1501 to 6-17-1510, where the teacher used book club bonus points for her own personal gain, made disrespectful remarks in the school building during school hours, and was untruthful about the incident. <i>Timpani v. Lakeside Sch. Dist.</i>, 2011</p> |
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Ark. App. 668, — S.W.3d — (2011).

Teacher.

Grant of summary judgment in favor of the school district in the teacher’s action after he was terminated was inappropriate because the unambiguous terms of the teacher’s contract governed and the trial court erred in considering parol evidence in construing that contract. Further, the Teacher Fair Dismissal Act of 1983, § 6-

17-1501 et seq., defined “teacher” as any person, exclusive of the superintendent or assistant superintendent, employed in an Arkansas public school district who was required to hold a teaching certificate from the Department of Education as a condition of employment, § 6-17-1502(a)(1); it was undisputed that the teacher met that definition too. *Barnett v. Mt. View Sch. Dist.*, 2010 Ark. App. 333, — S.W.3d — (2010).

6-17-1502. Definitions.

(a) As used in this subchapter:

(1) “Probationary teacher” means a teacher who has not completed three (3) successive years of employment in the school district in which the teacher is currently employed. A teacher employed in a school district in this state for three (3) years shall be deemed to have completed the probationary period; however, an employing school district may, by a majority vote of its directors, provide for one (1) additional year of probationary status; and

(2) “Teacher” means any person, exclusive of the superintendent or assistant superintendent, employed in an Arkansas public school district who is required to hold a teaching license from the State Board of Education as a condition of employment.

(b) A teacher who has completed three (3) successive years of employment in the school district in which the teacher is employed on July 4, 1983, or a teacher who has been given credit for a prior service in another school district as authorized by subdivision (a)(2) of this section, is deemed to have completed the required probationary period.

History. Acts 1983, No. 936, §§ 2, 4; A.S.A. 1947, §§ 80-1266.1, 80-1266.3; Acts 2011, No. 989, § 55.

Amendments. The 2011 amendment

substituted “license from the State Board” for “certificate from the Department” in (a)(1).

CASE NOTES

ANALYSIS

Hearing.
Teacher.

Hearing.

Circuit court did not err in granting a teacher injunctive relief and enjoining a school district from denying the teacher a hearing or refusing to renew his contract until his rights were adjudicated in the hearing because the teacher was entitled to the provision of the Arkansas Teacher Fair Dismissal Act, § 6-17-1509, that afforded him a hearing; nothing in the Act

indicates that a teacher is not employed unless he or she has a written contract, and the requirement of the Act, § 6-17-1506(a), that a teacher’s contract must be renewed in writing refers to an original “contract” but does not specify that it be a written contract. *Fayetteville Pub. Schs v. Dial*, 2010 Ark. App. 296, — S.W.3d — (2010), rehearing denied, — Ark. App. —, — S.W.3d —, 2010 Ark. App. LEXIS 445 (May 12, 2010).

Teacher.

Grant of summary judgment in favor of the school district in the teacher’s action after he was terminated was inappropriate

ate because the unambiguous terms of the teacher's contract governed and the trial court erred in considering parol evidence in construing that contract. Further, the Teacher Fair Dismissal Act of 1983, § 6-17-1501 et seq., defined "teacher" as any person, exclusive of the superintendent or assistant superintendent, employed in an

Arkansas public school district who was required to hold a teaching certificate from the Department of Education as a condition of employment, pursuant to subdivision (a)(1) of this section; it was undisputed that the teacher met that definition too. *Barnett v. Mt. View Sch. Dist.*, 2010 Ark. App. 333, — S.W.3d — (2010).

6-17-1503. Construction.

CASE NOTES

Termination and Nonrenewal.

Circuit court correctly upheld a school district's decision to not to renew a teacher's contract because the district did not fail to substantially comply with its personnel policies under the subsection (c) of this section, the Arkansas Teacher Fair Dismissal Act; the district's policies required an evaluation of the needs and goals of the district, and the teacher was not needed to teach in the licensure area of social studies. *Kasinger v. East End Sch. Dist.*, 2011 Ark. App. 595, — S.W.3d — (2011).

Teacher failed to demonstrate that her termination was unlawful and without just and reasonable cause under the Teacher Fair Dismissal Act of 1983, §§ 6-17-1501 to 6-17-1510, where the teacher

used book club bonus points for her own personal gain, made disrespectful remarks in the school building during school hours, and was untruthful about the incident. *Timpani v. Lakeside Sch. Dist.*, 2011 Ark. App. 668, — S.W.3d — (2011).

Nonrenewal of a counselor's employment contract violated the Arkansas Teacher Fair Dismissal Act of 1983, § 6-17-1501 et seq., because it was unreasonable to hold the counselor accountable for errors in a student handbook relating to graduation requirements, and there was no substantial compliance with the Act where the counselor was only evaluated once during his 14-year tenure at a school. *Bismarck Sch. Dist. v. Sims*, 2012 Ark. App. 239, — S.W.3d — (2012).

6-17-1504. Evaluation — Effect.

(a) Each teacher employed by the board of directors of a school district shall be evaluated in writing under the Teacher Excellence and Support System, § 6-17-2801 et seq.

(b) At a time other than an evaluation conducted under the Teacher Excellence and Support System, if a superintendent or other school administrator charged with the supervision of a teacher believes or has reason to believe that the teacher is having difficulties or problems meeting the expectations of the school district or its administration and the administrator believes or has reason to believe that the problems could lead to termination or nonrenewal of contract, the superintendent or other school administrator shall:

(1) Bring in writing the problems and difficulties to the attention of the teacher involved; and

(2) Document the efforts that have been undertaken to assist the teacher to correct whatever appears to be the cause for potential termination or nonrenewal.

History. Acts 1983, No. 936, § 7; A.S.A. 1947, § 80-1266.6; Acts 2009, No. 376, § 33; 2011, No. 1209, § 7.

Amendments. The 2009 amendment deleted former (b); redesignated the remaining subsection accordingly and subdivided it; and made related and minor stylistic changes.

The 2011 amendment substituted “under the Teacher Excellence and Support

System, § 6-17-2801 et seq.” for “annually” in (a); and, in (b), substituted “At a time other than an evaluation conducted under the Teacher Excellence and Support System, if” for “When,” and “the superintendent or other school administrator” for “the administrator.”

CASE NOTES

Compliance.

Nonrenewal of a counselor’s employment contract violated the Arkansas Teacher Fair Dismissal Act of 1983, § 6-17-1501 et seq., because it was unreasonable to hold the counselor accountable for errors in a student handbook relating to

graduation requirements, and there was no substantial compliance with the Act where the counselor was only evaluated once during his 14-year tenure at a school. *Bismarck Sch. Dist. v. Sims*, 2012 Ark. App. 239, — S.W.3d — (2012).

6-17-1506. Contract renewal — Notice of nonrenewal — Rescission.

CASE NOTES

ANALYSIS

Nonrenewal of Contracts.
Notice.

Nonrenewal of Contracts.

Circuit court did not err in granting a teacher injunctive relief and enjoining a school district from denying the teacher a hearing or refusing to renew his contract until his rights were adjudicated in the hearing because the teacher was entitled to the provision of the Arkansas Teacher Fair Dismissal Act, § 6-17-1509, that afforded him a hearing; nothing in the Act indicates that a teacher is not employed unless he or she has a written contract, and the requirement of the Act, found in subsection (a) of this section, that a teach-

er’s contract must be renewed in writing refers to an original “contract” but does not specify that it be a written contract. *Fayetteville Pub. Schs v. Dial*, 2010 Ark. App. 296, — S.W.3d — (2010), rehearing denied, — Ark. App. —, — S.W.3d —, 2010 Ark. App. LEXIS 445 (May 12, 2010).

Notice.

District court did not err in dismissing the teacher’s cause against the school district where the school district complied with the provisions of subdivision (b)(2)(B) of this section such that a reasonable teacher could prepare a defense; the teacher was able to defend on all issues raised. *Russell v. Watson Chapel Sch. Dist.*, 2009 Ark. 79, 313 S.W.3d 1 (2009).

Cited: *Bismarck Sch. Dist. v. Sims*, 2012 Ark. App. 239, — S.W.3d — (2012).

6-17-1507. Notice of termination recommendation.

(a) A teacher may be terminated only during the term of any contract when there is a reduction in force created by districtwide reduction in licensed staff or for incompetent performance, conduct which materially interferes with the continued performance of the teacher’s duties, repeated or material neglect of duty, or other just and reasonable cause.

(b) The superintendent shall notify the teacher of the termination recommendation.

(c)(1) The notice shall include a statement of the grounds for the recommendation of termination, setting forth the grounds in separately numbered paragraphs so that a reasonable teacher can prepare a defense.

(2) The notice shall be delivered in person to the teacher or sent by registered or certified mail to the teacher at the teacher's residence address as reflected in the teacher's personnel file.

History. Acts 1983, No. 936, § 5; A.S.A. 1947, § 80-1266.4; Acts 1999, No. 852, § 2; 2001, No. 1739, § 2; 2011, No. 989, § 56.

Amendments. The 2011 amendment substituted "licensed" for "certified" in (a).

CASE NOTES

Adequacy of Notice.

In an action under the Teacher Fair Dismissal Act of 1983, §§ 6-17-1501 to 6-17-1510, the superintendent complied with the notice requirements of this section by setting forth the basis for each of

the four grounds for the teacher's termination in such clear detail that any reasonable teacher would have had no trouble preparing a defense. *Timpani v. Lakeside Sch. Dist.*, 2011 Ark. App. 668, — S.W.3d — (2011).

6-17-1509. Hearing.

CASE NOTES

Right Generally.

Circuit court did not err in granting a teacher injunctive relief and enjoining a school district from denying the teacher a hearing or refusing to renew his contract until his rights were adjudicated in the hearing because the teacher was entitled to the provision of this section, the Arkansas Teacher Fair Dismissal Act, that afforded him a hearing; nothing in the Act indicates that a teacher is not employed

unless he or she has a written contract, and the requirement of the Act, § 6-17-1506(a), that a teacher's contract must be renewed in writing refers to an original "contract" but does not specify that it be a written contract. *Fayetteville Pub. Schs v. Dial*, 2010 Ark. App. 296, — S.W.3d — (2010), rehearing denied, — Ark. App. —, — S.W.3d —, 2010 Ark. App. LEXIS 445 (May 12, 2010).

6-17-1510. Board action on termination or nonrenewal — Appeal.

(a) Upon conclusion of its hearing with respect to the termination or nonrenewal of a contract of a teacher who has been employed as a full-time teacher by the school district for less than three (3) continuous years, the board of directors shall take action on the recommendations by the superintendent with respect to the termination or nonrenewal of such contract. The board of directors' decision with regard to nonrenewal of a probationary teacher shall be final.

(b) Any licensed teacher who has been employed continuously by the school district three (3) or more years or who may have achieved nonprobationary status pursuant to § 6-17-1502 may only be terminated or the board of directors may refuse to renew the contract of the teacher when there is a reduction in force created by districtwide

reduction in licensed personnel, for incompetent performance, conduct which materially interferes with the continued performance of the teacher's duties, repeated or material neglect of duty, or other just and reasonable cause. Upon completion of the hearing, the board of directors, within ten (10) days after the holding of the hearing, shall:

(1) Uphold the recommendation of the superintendent to terminate or not renew the teacher's contract;

(2) Reject or modify the superintendent's recommendation to terminate or not renew the teacher's contract; or

(3) Vote to continue the contract of the teacher under such restrictions, limitations, or assurances as the board of directors may deem to be in the best interest of the school district. The decision shall be reached by the board of directors within ten (10) days from the date of the hearing, and a copy shall be furnished in writing to the teacher involved, either by personally delivering it to the teacher or by addressing it to the teacher's last known address by registered or certified mail.

(c) Subsequent to any hearing granted a teacher by this subchapter, the board of directors, by majority vote, shall make specific written conclusions with regard to the truth of each reason given the teacher in support of the recommended termination or nonrenewal.

(d) The exclusive remedy for any nonprobationary teacher aggrieved by the decision made by the board of directors shall be an appeal therefrom to the circuit court of the county in which the school district is located, within seventy-five (75) days of the date of written notice of the action of the board of directors. Additional testimony and evidence may be introduced on appeal to show facts and circumstances showing that the termination or nonrenewal was lawful or unlawful.

History. Acts 1983, No. 936, § 10; A.S.A. 1947, § 80-1266.9; Acts 2001, No. 1739, § 3; 2011, No. 989, § 57.

Amendments. The 2011 amendment,

in (b), substituted "licensed" for "certified" and "licensed personnel" for "certified staff."

CASE NOTES

ANALYSIS

In General.

Dismissal Improper.

Parol Evidence.

Probationary Teachers.

In General.

Where a discharged teacher took a voluntary nonsuit of the claim under subsection (c) of this section she filed in state county court, she had the right to refile that claim within one year, which she did. *Richardson v. Booneville Sch. Dist.*, — F. Supp. 2d —, 2011 U.S. Dist. LEXIS 6132 (W.D. Ark. Jan. 21, 2011).

Because the administrative hearing un-

der subsection (d) of this section was clearly remedial and designed to correct the evidentiary record at the predetermination hearing, and the hearing was not a hearing de novo but only an opportunity to present additional evidence, the discharged teacher had the right to pursue the 42 U.S.C.S. § 1983 action even though she took a voluntary nonsuit in the state circuit court under Ark. R. Civ. P.41. *Richardson v. Booneville Sch. Dist.*, — F. Supp. 2d —, 2011 U.S. Dist. LEXIS 6132 (W.D. Ark. Jan. 21, 2011).

Dismissal Improper.

Nonrenewal of a counselor's employment contract violated the Arkansas Teacher Fair Dismissal Act of 1983, § 6-

17-1501 et seq., because it was unreasonable to hold the counselor accountable for errors in a student handbook relating to graduation requirements, and there was no substantial compliance with the Act where the counselor was only evaluated once during his 14-year tenure at a school. *Bismarck Sch. Dist. v. Sims*, 2012 Ark. App. 239, — S.W.3d — (2012).

Parol Evidence.

Circuit court did not improperly consider parol evidence in upholding a school district's decision to not renew a teacher's contract because additional testimony and evidence was specifically permitted by subsection (d) of this section, the Arkan-

sas Teacher Fair Dismissal Act, and was properly considered by the circuit court; accordingly, the parol-evidence rule was inapplicable, *Kasinger v. East End Sch. Dist.*, 2011 Ark. App. 595, — S.W.3d — (2011).

Probationary Teachers.

Order awarding judgment to a teacher in a breach of contract suit against a school district was upheld where a probationary teacher could pursue a breach of contract suit independently of the Teacher Fair Dismissal Act. *Greenwood Sch. Dist. v. Leonard*, 102 Ark. App. 324, 285 S.W.3d 284 (2008).

SUBCHAPTER 16 — MASTER SCHOOL PRINCIPAL PROGRAM

SECTION.

6-17-1601. Definitions.

6-17-1604. High-need school salary bonus and hold-back longevity bonus.

6-17-1601. Definitions.

As used in this subchapter:

(1) "High-need public school" means an Arkansas public school that, at the time a master principal first becomes entitled to a high-need school salary bonus, is identified as failing to meet certain established levels of academic achievement under rules adopted by the State Board of Education;

(2) "High-need school salary bonus" means an annual bonus to a master principal serving as a principal of a high-need public school;

(3) "Hold-back longevity bonus" means a portion of the high-need school salary bonus held back to be paid at the end of three (3) years and five (5) years of serving as a principal of the same high-need public school; and

(4) "Incentive bonus" means a bonus paid to a master principal serving as a principal of any public school in the state.

History. Acts 2003 (2nd Ex. Sess.), No. 44, § 1; 2013, No. 459, § 1.

A.C.R.C. Notes. Acts 2013, No. 459, § 3, provided: "A master principal eligible for and receiving a high-need salary bonus as of May 1, 2013, for serving as a principal of a public school in school improvement shall remain eligible for a high-need school salary bonus and hold-back longevity bonus while serving as principal of

that same public school."

Amendments. The 2013 amendment inserted (1) and redesignated the remaining subdivisions accordingly; and, in (2), inserted "high-need" preceding "public" and deleted "in phase two (2) or phase three (3) school improvement status or located in a school district in academic distress."

6-17-1604. High-need school salary bonus and hold-back longevity bonus.

(a) The State Board of Education shall promulgate rules and regulations for an additional high-need school salary bonus, including a hold-back longevity bonus, for each principal receiving master school principal status and serving as a principal of a high-need public school.

(b)(1) The Department of Education shall pay a high-need school salary bonus of twenty-five thousand dollars (\$25,000) for every school year for no more than five (5) years to any building-level principal who:

(A) Receives a master school principal designation from the Arkansas Leadership Academy; and

(B) Is, at the time of receiving the bonus of twenty-five thousand dollars (\$25,000), employed full time as a building-level principal in a high-need public school.

(2) The high-need school salary bonus under subdivision (b)(1) of this section shall be paid as follows:

(A) Twenty thousand dollars (\$20,000) for each school year a master principal is employed in a high-need public school; and

(B) An additional five thousand dollars (\$5,000) to be set aside for each qualifying school year to be paid as follows:

(i) A hold-back longevity bonus of fifteen thousand dollars (\$15,000) at the end of three (3) consecutive school years as a master school principal in the same school; and

(ii) A hold-back longevity bonus of ten thousand dollars (\$10,000) at the end of five (5) consecutive school years as a master school principal in the same school.

(3) The high-need school salary bonus with the hold-back longevity bonus payable under this section shall be paid in addition to the five-year incentive bonus allowed under § 6-17-1603, if the master principal is within the time frame for eligibility for the five-year incentive bonus.

(c) Regardless of a person's past participation in the Master School Principal Program, a person shall not receive a yearly incentive bonus, a salary bonus, or a longevity bonus if the person leaves full-time employment as a principal of an Arkansas public school district.

History. Acts 2003 (2nd Ex. Sess.), No. 44, § 4; 2013, No. 459, § 2.

A.C.R.C. Notes. Acts 2013, No. 459, § 3, provided: "A master principal eligible for and receiving a high-need salary bonus as of May 1, 2013, for serving as a principal of a public school in school improvement shall remain eligible for a high-need school salary bonus and hold-back longevity bonus while serving as principal of that same public school."

Amendments. The 2013 amendment,

in (a), substituted "State Board" for "Department"; inserted "high-need"; and deleted "in phase two (2) or phase three (3) school improvement status or located in a school district in academic distress"; substituted "Department of Education" for "department" in the introductory language of (b)(1); rewrote (b)(1)(B); inserted "a master principal is employed in a high-need public school" in (b)(2)(A); and rewrote (c).

SUBCHAPTER 17 — PUBLIC SCHOOL EMPLOYEE FAIR HEARING ACT

SECTION.

6-17-1702. Definitions.

6-17-1702. Definitions.

As used in this subchapter:

(1) "Employee" means any person employed by a school district under a written annual contract who is not required to have an educator license issued by the Department of Education as a condition of employment;

(2) "Full-time employee" means any employee who is contracted to work at least twenty (20) hours per week; and

(3) "Probationary employee" means an employee who has not completed one (1) year of employment in the school district in which he is employed. Provided that at least thirty (30) days prior to the completion of an employee's probationary period, the superintendent of schools may recommend and the board of directors may vote that one (1) additional year of probation is necessary for an employee.

History. Acts 1991, No. 631, § 2; 2013, by Nos. 1073 and 1138, in (1), substituted No. 1073, § 27; 2013, No. 1138, § 40. "means" for "shall mean" and "an educator

Amendments. The 2013 amendments license" for "a teaching certificate."

SUBCHAPTER 19 — MINORITY RECRUITMENT

SECTION.

6-17-1903. [Repealed.]

6-17-1903. [Repealed.]

Publisher's Notes. This section, concerning the creation of the Minority Teacher Recruitment Advisory Council, was repealed by Acts 2009, No.1484, § 1. The section was derived from Acts 1991, No. 1164, § 2.

SUBCHAPTER 23 — PERSONNEL POLICY LAW FOR CLASSIFIED EMPLOYEES

SECTION.

6-17-2301. Requirement.

6-17-2302. Applicability.

6-17-2303. Committee for each school district.

SECTION.

6-17-2305. Organization and duties of committee.

6-17-2301. Requirement.

(a) Each school district in the State of Arkansas shall have a set of written personnel policies, including the salary schedule for classified employees.

(b) For the purposes of this subchapter, there shall be five (5) classifications of classified employees as provided in § 6-17-2303.

(c) Personnel policies of concern to the classified personnel policies committee shall include, but are not limited to, the following terms and conditions of employment:

- (1) Salary schedule, fringe benefits, and other compensation issues;
- (2) Annual school calendar, including work days and holidays;
- (3) Evaluation procedures;
- (4) Leave;
- (5) Grievance procedures;
- (6) Termination, nonrenewal, or suspension;
- (7) Reduction in force; and
- (8) Assignments.

(d)(1)(A) A school district shall not receive in any year any additional state funding from the Public School Fund until the school district has posted on the school district's website, in accordance with § 6-11-129, its current personnel policies for classified employees, including any salary schedules as required by this subchapter.

(B) The school district shall maintain in a central records location a written copy of the policies signed by the president of the school district's board of directors.

(2) By September 15 of each year, a school district shall provide the Department of Education with the website address at which its current personnel policies for classified employees, including the salary schedule, may be found.

(e) The department shall notify any school district that has not posted its policies on the school district website or provided the department with the website address in accordance with this section.

History. Acts 2003, No. 1780, § 1; 2005, No. 951, § 1; 2011, No. 989, § 58; 2013, No. 1073, § 28.

Amendments. The 2011 amendment, in (d)(1), substituted "additional state funding" for "funds" and "posted on the school district's website, in accordance with § 6-11-129" for "filed by the established deadline"; and rewrote (d)(2).

The 2013 amendment, in (d)(1), added the (A) designation and added (B), and deleted "signed by the president of the school board" in (d)(1)(A); and, in (e), substituted "posted" for "filed" and inserted "on the school district website or provided the department with the website address."

6-17-2302. Applicability.

(a) The provisions of this subchapter shall not apply if the school district chooses to officially recognize in its policies an organization representing the majority of the nonmanagement classified employees of the school district for the purpose of negotiating personnel policies, salaries, and educational matters of mutual concern under a written policy agreement.

(b)(1) "Classified employee" means any person employed by a school district under a written annual contract who is not required to have a teaching license issued by the Department of Education as a condition of employment.

(2) "Classified employee administrator" means any classified or licensed employee who evaluates nonmanagement classified employees and any classified employee who supervises but does not evaluate other classified employees if the nonmanagement classified employees exclude them.

(3) "Nonmanagement classified employee" means any classified employee who does not evaluate other classified employees. The nonmanagement classified employees in a school district, at their discretion in an election conducted in accordance with § 6-17-2303(c), include in this definition classified employees who supervise but do not evaluate other classified employees.

History. Acts 2003, No. 1780, § 2; substituted "license" for "certificate" in 2005, No. 951, § 1; 2011, No. 989, § 59. (b)(1); and substituted "licensed" for "certified" in (b)(2).
Amendments. The 2011 amendment

6-17-2303. Committee for each school district.

(a)(1) Each school district shall have a committee on personnel policies for classified employees which consist of at least one (1) nonmanagement classified representative from each of the following five (5) classifications:

- (A) Maintenance, operation, and custodians;
- (B) Transportation;
- (C) Food service;
- (D) Secretary and clerk; and
- (E) Aides and paraprofessionals.

(2) All other job classifications of classified employees not identified in the five (5) classifications may be grouped together and added as an at-large classification and shall have at least one (1) nonmanagement classified representative on the committee on classified personnel policies.

(b) There shall be no more than three (3) classified employee administrators on the committee, one (1) of whom may be the superintendent of schools. The classified employee administrators on the committee shall be appointed by the school board of directors or its designee.

(c) The nonmanagement classified employee member of the committee shall be elected by a majority of all nonmanagement classified employees voting by secret ballot.

(d) The election shall be conducted solely and exclusively by the nonmanagement classified employees, including distribution of ballots to all nonmanagement classified employees.

(e) The election shall be conducted by mid-October.

(f) There shall be no additional monetary compensation for service on the committee.

History. Acts 2003, No. 1780, § 3; inserted "and custodians" in (a)(1)(A), and 2005, No. 951, § 1; 2009, No. 201, § 1. made a related change.
Amendments. The 2009 amendment

6-17-2305. Organization and duties of committee.

(a) The school district's committee on personnel policies for classified employees shall organize itself in October, elect a chair and secretary, and develop a calendar of meetings throughout the year to review the school district's personnel policies to:

(1) Determine whether additional policies or amendments to existing policies are needed;

(2) Review any policies or changes to policies proposed by the board of directors; and

(3) Propose additional policies or amendments to existing personnel policies to the board of directors.

(b) Minutes of the committee meetings shall be promptly reported and distributed to members of the board of directors and posted in the work sites of the school district, including administrative offices.

(c)(1) Either the committee or the board of directors may propose new personnel policies or amendments to existing policies.

(2) New personnel policies or amendments to existing personnel policies proposed by the board of directors may not be voted on by the board of directors as a school district policy unless the final form of the policy to be voted on has been submitted as a proposed policy to the committee for consideration at least ten (10) working days before the vote of the board of directors.

(3)(A) The superintendent may recommend any changes in personnel policies to the board of directors or the personnel policies committee.

(B) The recommendations may then become proposals at the discretion of either the board of directors or the committee.

(d) The chair of the committee or a committee member designated by the chair shall be placed on the board of directors' agenda and shall have the opportunity to orally present to the board of directors the committee's comments, positions, or proposals on the final form of any proposed policies or amendments to existing policies whether proposed by the committee or the board of directors, before they are voted on by the board of directors as school district policies.

(e) After the oral presentation to the board of directors, final action may be taken immediately, but final action shall be taken no later than the next regular board of directors meeting.

(f) The board of directors may adopt, reject, or refer to the committee on personnel policies for further study and revision any proposed policies or amendments to existing policies that are submitted to the board of directors for consideration by the committee.

History. Acts 2003, No. 1780, § 5; 2005, No. 951, § 1; 2009, No. 1492, § 1.

Amendments. The 2009 amendment inserted (a)(2) and (a)(3) and made related changes; rewrote (c) and (d); in (e), in-

serted "the oral" and substituted "may be taken immediately, but final action shall be taken" for "shall be taken"; and, in (f), added "by the committee" and made a minor stylistic change.

SUBCHAPTER 24 — TEACHER COMPENSATION PROGRAM OF 2003

SECTION.

6-17-2402. Definitions.

6-17-2403. Minimum teacher compensation schedule.

SECTION.

6-17-2405. Future adjustments of the compensation system.

6-17-2402. Definitions.

As used in this subchapter:

(1) “Basic contract” means a teacher employment contract for one hundred ninety (190) days that includes ten (10) days of professional development;

(2) “Master’s degree” means a graduate degree awarded for successful completion of a program at the master’s level or higher related to:

(A) Education;

(B) Guidance counseling; or

(C) A teacher’s teaching content area; and

(3) “Teacher” means:

(A) An individual who is required to hold a teaching license from the Department of Education and who is engaged directly in instruction with students in a classroom setting for more than seventy percent (70%) of the individual’s contracted time;

(B) A guidance counselor; or

(C) A librarian.

History. Acts 2003 (2nd Ex. Sess.), No. 59, § 2; 2003 (2nd Ex. Sess.), No. 74, § 1; 2011, No. 1178, § 3.

Amendments. The 2011 amendment added (2) and redesignated former (2) as (3).

6-17-2403. Minimum teacher compensation schedule.

(a) The board of directors in each school district in the state shall pay classroom teachers upon a minimum salary schedule that provides:

(1) Annual increments for education and experience;

(2) A base salary; and

(3) A minimum salary for a teacher with a master’s degree and at least fifteen (15) years’ experience.

(b) Each school district in the state shall have in place a salary schedule with at least the following minimum levels of compensation for a basic contract:

| Years of Experience | BA Degree Salary | MA Degree Salary |
|---------------------|------------------|------------------|
| 0 | \$29,244 | \$33,630 |
| 1 | 29,694 | 34,130 |
| 2 | 30,144 | 34,630 |
| 3 | 30,594 | 35,130 |
| 4 | 31,044 | 35,630 |
| 5 | 31,494 | 36,130 |

| Years of Experience | BA Degree Salary | MA Degree Salary |
|---------------------|------------------|------------------|
| 6 | 31,944 | 36,630 |
| 7 | 32,394 | 37,130 |
| 8 | 32,844 | 37,630 |
| 9 | 33,294 | 38,130 |
| 10 | 33,744 | 38,630 |
| 11 | 34,194 | 39,130 |
| 12 | 34,644 | 39,630 |
| 13 | 35,094 | 40,130 |
| 14 | 35,544 | 40,630 |
| 15 | 35,994 | 41,130 |

(c)(1) For purposes of the salary schedules described in this section, the teacher’s experience is his or her total years’ experience as a teacher with a valid Arkansas teaching license and teaching at any:

- (A) Public school accredited by the Department of Education or a nationally recognized accrediting association;
- (B) Private school within the State of Arkansas accredited by a nationally recognized accrediting association;
- (C) Institution of higher education within the State of Arkansas accredited by a nationally recognized higher education institution accrediting association; or
- (D) Any facility operated by the Division of Youth Services or any facility contracting with the division to provide care for juveniles committed to the division.

(2) A teacher’s years of experience shall be based upon:

- (A) The years in the school district in which the teacher is employed when the salary schedule in this section is considered; and
- (B) The teacher’s years of experience with a valid Arkansas teaching license at an institution in subdivision (c)(1) of this section.

(3) For purposes of this section, “years of service” means:

- (A) Performing the full-time duties of a teacher for a full school year with a valid Arkansas teaching license;
- (B) Years of employment with an Arkansas public school in a full-time position that requires that the teacher have an Arkansas teaching license; or
- (C) Years of employment in an educational capacity with an institution in subdivision (c)(1)(C) of this section with a valid Arkansas teaching license.

History. Acts 2003 (2nd Ex. Sess.), No. 59, § 2; 2003 (2nd Ex. Sess.), No. 74, § 2; 2005, No. 2130, § 1; 2005, No. 2307, § 1; 2006 (1st Ex. Sess.), No. 19, § 2; 2007, No. 272, § 7; 2007, No. 833, § 1; 2007, No. 1410, § 1; 2013, No. 1138, § 41.
A.C.R.C. Notes. Acts 2010, No. 293, § 23, provided: “AVERAGE TEACHER

SALARY. The Arkansas Department of Education is requested to calculate Average Teacher Salary in the Department’s Annual Statistical Report to not include extra duty funds. Specifically, the Department is requested to calculate the Average Teacher Salary amount using the National Education Association definitions

for Average Salary for Classroom Teachers. The Arkansas Department of Education shall submit this data annually to the National Education Association in accordance with that organization's deadlines for submission for their report 'Rankings and Estimates' which includes state-by-state teacher salary comparisons."

Acts 2011, No. 1075, § 23, provided: "AVERAGE TEACHER SALARY. The Arkansas Department of Education is requested to calculate Average Teacher Salary in the Department's Annual Statistical Report to not include extra duty funds. Specifically, the Department is requested to calculate the Average Teacher Salary amount using the National Education Association definitions for Average Salary for Classroom Teachers. The Arkansas Department of Education shall submit this data annually to the National Education Association in accordance with that organization's deadlines for submission for their report 'Rankings and Estimates' which includes state-by-state teacher salary comparisons."

Acts 2012, No. 269, § 23, provided: "AVERAGE TEACHER SALARY. The Arkansas Department of Education is requested to calculate Average Teacher Salary in the Department's Annual Statistical Report to not include extra duty funds. Specifically, the Department is requested to calculate the Average Teacher Salary amount using the National Education Association definitions for Average Salary for Classroom

Teachers. The Arkansas Department of Education shall submit this data annually to the National Education Association in accordance with that organization's deadlines for submission for their report 'Rankings and Estimates' which includes state-by-state teacher salary comparisons."

Acts 2013, No. 1309, § 26, provided: "AVERAGE TEACHER SALARY. The Arkansas Department of Education is requested to calculate Average Teacher Salary in the Department's Annual Statistical Report to not include extra duty funds. Specifically, the Department is requested to calculate the Average Teacher Salary amount using the National Education Association definitions for Average Salary for Classroom Teachers. The Arkansas Department of Education shall submit this data annually to the National Education Association in accordance with that organization's deadlines for submission for their report 'Rankings and Estimates' which includes state-by-state teacher salary comparisons."

Amendments. The 2013 amendment deleted (b), and redesignated former (c) as present (b) and redesignated the remaining subsections accordingly; substituted "Each" for "In school year 2008-2009 and each school year thereafter, each" in present (b); substituted "(c)(1)" for "(d)(1)" in present (c)(2)(B); substituted "(c)(1)(C)" for "(d)(1)(C)" in present (c)(3)(C); and deleted (e) and (f).

6-17-2405. Future adjustments of the compensation system.

Each biennium, the interim House Committee on Education and the interim Senate Committee on Education shall analyze the compensation levels provided in this subchapter, review relevant data, and make recommendations to the General Assembly for any adjustments to the compensation levels as needed to further the objective provided in § 6-17-2403.

History. Acts 2003 (2nd Ex. Sess.), No. 59, § 2; 2013, No. 1138, § 42.

Amendments. The 2013 amendment, in the first paragraph, deleted "Interim"

twice following "House" and "Senate," inserted "interim" twice, and substituted "§ 6-17-2403" for "§ 6-17-2402."

SUBCHAPTER 25 — ARKANSAS TEACHER OF THE YEAR ACT

SECTION.

6-17-2502. Definitions.

6-17-2502. Definitions.

As used in this section:

- (1) "Classroom teacher" means a person who:
 - (A) Is required to be licensed under § 6-17-401 et seq.;
 - (B) Is engaged directly in instruction with students in a classroom setting for more than seventy percent (70%) of the person's contracted time; and
 - (C) Is not a guidance counselor or librarian;
- (2) "In residence" means working exclusively with the Department of Education at a location agreed upon between the department and the Arkansas Teacher of the Year;
- (3) "School district board of directors" means the local board of directors of a school district who are duly elected and qualified to hold office; and
- (4) "Superintendent" means the executive officer of a school district board of directors directing the affairs of the school district and teaching not more than one-half (½) of the time in the school day.

History. Acts 2006 (1st Ex. Sess.), No. 17, § 1; 2013, No. 1155, § 15. deleted "§ 6-13-604 et seq." near the end of (3).
Amendments. The 2013 amendment

SUBCHAPTER 26 — LIFETIME TEACHING LICENSE

| | |
|---------------------------------------|-----------------------------------|
| SECTION. | SECTION. |
| 6-17-2602. Definitions. | 6-17-2605. Employment by a public |
| 6-17-2603. Eligibility. | school district. |
| 6-17-2604. Lifetime teaching license. | |

Effective Dates. Acts 2013, No. 969, § 12: Apr. 8, 2013. Emergency clause provided: "It is found and determined by the General Assembly of the State of Arkansas that it is the state's constitutional obligation to provide a general, suitable, and efficient free system of public schools in the state; that the professional development of public school teachers and administrators is critical to the delivery of a constitutionally adequate education; and that this act is immediately necessary for school districts and educators to prepare for the professional development require-

ments needed for the 2013-2014 school year. Therefore, an emergency is declared to exist, and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on: (1) The date of its approval by the Governor; (2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or (3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto."

6-17-2602. Definitions.

As used in this subchapter:

(1) "Educational setting" means the employment setting where the licensed employee works, including without limitation:

- (A) A public or private school;
- (B) An institution of higher education;
- (C) An education service cooperative;
- (D) The Department of Education;
- (E) An adult education setting; or
- (F) Another agency or organization that employs licensed teachers for educational purposes;

(2) "Professional development" has the same meaning as the meaning given to the term under § 6-17-704; and

(3) "Teaching experience" means the experience gained while working in an educational setting as a teacher, librarian, counselor, administrator, educational consultant, substitute teacher, or other licensed employee.

History. Acts 2007, No. 169, § 1; 2013, No. 969, § 9; 2013, No. 1138, § 43.

Amendments. The 2013 amendment by No. 969 rewrote (2).

The 2013 amendment by No. 1138 substituted "licensed" for "certified" in (1) and (3); and rewrote (2).

6-17-2603. Eligibility.

To be eligible for a lifetime teaching license, the licensed educator must:

- (1) Hold a current or expired Arkansas teaching license;
- (2) Be at least sixty-two (62) years of age; and
- (3) Have either:

(A) Worked in an educational setting while maintaining an Arkansas teaching license; or

(B) Made significant contributions to education, educational research, or the profession of teaching through scholarly endeavors, teaching experience, excellence in teaching, or educational innovation.

History. Acts 2007, No. 169, § 1; 2009, No. 224, § 1.

Amendments. The 2009 amendment substituted "licensed educator" for "certified employee" in the introductory lan-

guage; inserted "or expired" in (1); substituted "at least sixty-two (62)" for "over sixty-five (65)" in (2); and in (3), redesignated the text and made related and minor stylistic changes.

6-17-2604. Lifetime teaching license.

(a) A person who meets the eligibility requirements of § 6-17-2603 may apply for a lifetime teaching license by filing an application with the Department of Education.

(b)(1) The State Board of Education shall review the application.

(2) If the state board approves the application, the state board shall reissue the applicant's current or expired Arkansas teaching license as a lifetime teaching license.

(3) A lifetime teaching license applicant is subject to a criminal background check under § 6-17-410 upon application.

(c) Except as provided in subsection (d) of this section, the lifetime teaching license shall terminate upon the death or legal incapacity of the license holder.

(d) A lifetime teaching license is subject to the same laws for revocation as any Arkansas teaching license.

(e) A person who holds a lifetime teaching license is not required to renew his or her teaching license.

(f) Except to the extent required by § 6-17-2605, a lifetime teaching license holder is not subject to the requirements for annual professional development.

History. Acts 2007, No. 169, § 1; 2009, No. 224, § 2.

Amendments. The 2009 amendment rewrote (a); inserted “or expired Arkansas teaching” in (b)(2); inserted “under § 6-17-410” in (b)(3); substituted “terminate

upon the death or legal incapacity of the license holder” for “be reissued every five (5) years” in (c); deleted (f)(2); inserted “Except to the extent required by § 6-17-2605” in (f); and made related and minor stylistic changes.

6-17-2605. Employment by a public school district.

(a) A lifetime teaching license holder is eligible to serve as a substitute teacher and as a tutor.

(b) A lifetime teaching license holder who becomes employed as a licensed educator by a school district shall participate in the professional development programs required by the employing school district.

(c) A lifetime teaching license holder who has not taught in an educational setting for one (1) or more years shall be required to provide to the Department of Education verification of twenty (20) hours of professional development prior to reentering the educational setting.

History. Acts 2007, No. 169, § 1; 2009, No. 224, § 3.

Amendments. The 2009 amendment inserted “as a licensed educator” in (b).

SUBCHAPTER 27 — SCIENCE, TECHNOLOGY, ENGINEERING, AND MATH FUND

SECTION.

6-17-2701. Legislative intent.

6-17-2703. Application process.

6-17-2701. Legislative intent.

The General Assembly finds:

(1) Achievement and enthusiasm of Arkansas students in the areas of science, technology, engineering, and math is a critical step in preparing the State of Arkansas for a workforce with the skills necessary to compete economically in the twenty-first century workplace and to prepare the children of this state for high-paying competitive jobs;

(2) Currently more than fifty percent (50%) of Arkansas students who go straight to college require remedial courses in both math and English;

(3) In fiscal year 2003-2004, Arkansas expended over forty-eight million dollars (\$48,000,000) on student remediation;

(4) In 2005, of the five thousand four hundred thirty-four (5,434) students who took math and science Advanced Placement (AP) courses, only twenty-six and six-tenths percent (26.6%) of those students received a passing score while nationally, passage rates ranged between fifty-six percent (56%) for chemistry to eighty percent (80%) for calculus;

(5) Students' completion of high school math courses beyond Algebra II significantly increases the probability that the student will earn a bachelor's degree;

(6) Approximately four thousand (4,000) of the seven thousand four hundred thirty-three (7,433) licensed teachers in Arkansas are actively teaching science, technology, engineering, and math-related courses and may qualify for the science, technology, engineering, and math supplemental income grant; and

(7) Because of the significant difference in income between science, technology, engineering, and math teachers and what they can make in industry, it is essential to:

(A) Reduce the loss of science, technology, engineering, and math teachers to industry;

(B) Entice science, technology, engineering, and math teachers back to the classroom; and

(C) Encourage students to enter the science, technology, engineering, and math teaching professions by supplying supplemental grant income to science, technology, engineering, and math teachers.

History. Acts 2007, No. 564, § 1; 2013, No. 1138, § 44.

Amendments. The 2013 amendment substituted "licensed" for "certified" in (6).

6-17-2703. Application process.

(a) Licensed math and science teachers who are currently teaching science, technology, engineering, and math subjects in kindergarten through grade twelve (K-12) may apply to the Arkansas Economic Development Commission for a supplemental grant from the Science, Technology, Engineering, and Math Fund for that portion of the day in which they are teaching science, technology, engineering, or math subjects or laboratories.

(b) Selection and identification of qualified science, technology, engineering, and math teachers shall be coordinated with the Department of Education for identification of qualified science, technology, engineering, and math teachers.

(c) Applications for supplemental grants from the Science, Technology, Engineering, and Math Fund shall be made to the commission by February 1 and September 1 of each year.

(d) The application shall be made on forms prepared by the commission.

(e) The application shall be accompanied by a letter of certification, on a form to be provided by the commission, from the principal of the school in which the science, technology, engineering, or math teacher is employed.

(f) The commission shall review the applications in accordance with rules promulgated by the commission in coordination with the department to determine if the applicant qualifies for a supplemental grant from the fund.

(g) After determining eligibility for a supplemental grant from the Science, Technology, Engineering, and Math Fund, the commission shall notify, in writing, the applicant of the decision of eligibility.

History. Acts 2007, No. 564, § 4; 2011, No. 989, § 60. substituted “Licensed” for “Certified” in (a).

Amendments. The 2011 amendment

SUBCHAPTER 28 — TEACHER EXCELLENCE AND SUPPORT SYSTEM

| | |
|--|--|
| SECTION. | SECTION. |
| 6-17-2801. Title. | 6-17-2806. Teacher support components. |
| 6-17-2802. Legislative intent. | 6-17-2807. Intensive support status. |
| 6-17-2803. Definitions. | 6-17-2808. Implementation — Applicability. |
| 6-17-2804. Administrative agency responsibilities. | 6-17-2809. Administrator evaluations. |
| 6-17-2805. Summative evaluations. | |

A.C.R.C. Notes. Acts 2011, No. 1209, § 10, provided: “(a) By September 1, 2012, the State Board of Education shall develop the evaluation framework, evaluation rubric, and all rules for implementation of this act.

“(b)(1) Between September 1, 2012, and August 31, 2013, the Department of Education, or any educational association approved by the department, shall conduct training sessions for all superintendents, administrators, evaluators, and teachers on the Teacher Excellence and Support System.

“(2) The department shall ensure that the participants have more than one (1) opportunity to participate in the training.

“(c) In the 2013-2014 school year, the department shall implement a one-year pilot program using the Teacher Excellence and Support System in one (1) or more school districts and shall obtain feedback from the superintendents, administrators, evaluators, and teachers involved in the pilot program to inform the department concerning needed amendments to state board rules or changes in state law.”

6-17-2801. Title.

This subchapter shall be known and may be cited as the “Teacher Excellence and Support System”.

History. Acts 2011, No. 1209, § 8.

6-17-2802. Legislative intent.

It is the intent of the General Assembly to:

(1) Provide a program affording public school districts and public charter schools a transparent and consistent teacher evaluation system that ensures effective teaching and promotes professional learning;

(2) Provide an evaluation, feedback, and support system that will encourage teachers to improve their knowledge and instructional skills in order to improve student learning;

(3) Provide a basis for making teacher employment decisions;

(4) Provide an integrated system that links evaluation procedures with curricular standards, professional development activities, targeted support, and human capital decisions;

(5) Encourage highly effective teachers to undertake challenging assignments;

(6) Support teachers' roles in improving students' educational achievements;

(7) Inform policymakers regarding the benefits of a consistent evaluation and support system in regard to improving student achievement across the state; and

(8) Increase the awareness of parents and guardians of public school students concerning the effectiveness of public school teachers.

History. Acts 2011, No. 1209, § 8.

6-17-2803. Definitions.

As used in this subchapter:

(1) "Artifact" means a documented piece of evidence chosen by the teacher being evaluated, the evaluator, or both, that:

(A) Relates to the evaluation rubric; and

(B) Represents output from one (1) or more of the following, without limitation:

(i) Lesson plans or pacing guides aligned with the state standards;

(ii) Self-directed or collaborative research approved by an evaluator;

(iii) Participation in professional development;

(iv) Contributions to parent, community, or professional meetings;

(v) Classroom assessments including:

(a) Unit tests;

(b) Samples of student work, portfolios, writing, and projects;

(c) Pre-assessments and post-assessments; and

(d) Classroom-based formative assessments;

(vi) District-level assessments including:

(a) Formative assessments;

(b) Grade or subject level assessments;

(c) Department-level assessments; and

(d) Common assessments;

(vii) State-level assessments including:

(a) End-of-course assessments;

- (b) Statewide assessments of student achievement; and
- (c) Career and technical assessments; and
- (viii) National assessments including:
 - (a) Advanced placement assessments;
 - (b) Norm-referenced assessments; and
 - (c) Career and technical assessments;

(2)(A) "Evaluation" means the process under this subchapter used to:

(i) Assess with evidence what a teacher should know and be able to do as measured by the domains and performance ratings of an evaluation framework; and

(ii) Promote teacher growth through professional learning.

(B) "Evaluation" does not include a teacher's performance relating to competitive athletics and competitive extracurricular activities;

(3) "Evaluation framework" means a standardized set of teacher evaluation domains that provide the overall basis for an evaluation;

(4) "Evaluation rubric" means a set of performance components for each teacher evaluation domain in the evaluation framework;

(5) "Evaluator" means a person licensed by the State Board of Education as an administrator who is designated as the person responsible for evaluating teachers and who is an employee of the school district in which the evaluations are performed;

(6) "External assessment measure" means a measure of student achievement or growth that is administered, developed, and scored by a person or entity other than the teacher being evaluated, except that the assessment may be administered by the teacher being evaluated if the assessment is monitored by a licensed individual designated by the evaluator;

(7) "Formal classroom observation" means an announced visit to a classroom that:

(A) Is preceded by a pre-observation conference to discuss the lesson plan and objectives;

(B)(i) Is conducted by an evaluator for at least seventy-five percent (75%) of the class period either by observing the teacher in the classroom or through the use of three-hundred-sixty-degree video technology.

(ii) The length of time for a formal classroom observation of a teacher teaching in a block schedule or in a class period lasting longer than sixty (60) minutes may be adjusted to allow for an observation for forty-five (45) minutes or more of the teacher's class period;

(C) Facilitates a professional dialogue for the teacher and evaluator; and

(D) Provides essential evidence of the teacher's classroom practices;

(8) "Formative assessment" means an evaluation of a student's learning that is given before the student completes a course of instruction to foster the student's development and improvement on a specific strand within the course of instruction;

(9) "Informal classroom observation" means an observation conducted by an evaluator for the same purpose as a formal classroom observation but may be:

(A) Unannounced; or

(B) For a shorter period of time than a formal classroom observation;

(10) "Intensive support status" means the employment status administered under this subchapter that is assigned to a teacher under § 6-17-2807;

(11) "Interim teacher appraisal" means a form of evaluation, other than a summative evaluation, that:

(A) Provides support for teaching practices; and

(B) Uses standards for teacher growth and performance that are consistent with the evaluation rubrics for the teacher evaluation domains of a summative evaluation;

(12) "Novice teacher" means a teacher having less than one (1) school year of public school classroom teaching experience;

(13) "Post-observation conference" means a conference between the teacher and evaluator following a formal classroom observation to discuss:

(A) The evaluator's observations; and

(B) Artifacts presented by the teacher after the formal classroom observation;

(14) "Pre-observation conference" means a conference between the teacher and evaluator to discuss goals and planned outcomes for a classroom lesson before a formal classroom observation;

(15) "Probationary teacher" means the same as probationary teacher under § 6-17-1502;

(16) "Statewide assessment of student achievement" means a statewide benchmark exam, end-of-course assessment, or a summative assessment of student achievement administered through:

(A) The Arkansas Comprehensive Testing, Assessment, and Accountability Program Act, § 6-15-401 et seq.; or

(B) A program of common core assessments administered under rules of the State Board of Education;

(17) "Summative assessment" means an evaluation of student achievement given at the completion of a course of instruction that cumulatively measures whether the student met long-term learning goals for the course;

(18) "Summative evaluation" means an evaluation of a teacher's performance that evaluates all domains of the evaluation framework that supports:

(A) Improvement in the teacher's teaching practices and student achievement; and

(B) A school district's employment decision concerning the teacher;

(19)(A) "Teacher" means a person who is:

(i) Required to hold and holds a teaching license from the state board as a condition of employment; and

(ii) Employed in a public school as a:

(a) Classroom teacher engaged directly in instruction with students in a classroom setting;

(b) Guidance counselor;

(c) Library media specialist;

(d) Special education teacher; or

(e) Teacher in another position identified by the state board.

(B) "Teacher" also includes a nonlicensed classroom teacher employed at a public charter school under a waiver of teacher licensure requirements granted by the state board in the charter.

(C) "Teacher" does not include a person who is employed full time by a school district or public school solely as a superintendent or administrator; and

(20) "Tested content area" means a teaching content area that is tested under a statewide assessment of student achievement.

History. Acts 2011, No. 1209, § 8; 2013, No. 709, §§ 1-3.

Amendments. The 2013 amendment, in (2)(A), substituted "domains" for "categories" and "ratings" for "levels"; substituted "domains" for "categories" in (3); in (4), substituted "domain" for "category"

and "components" for "descriptors"; added "and who is an employee of the school district in which the evaluations are performed" in (5); substituted "domains" for "categories" in (11)(B) and in the introductory paragraph of (18).

6-17-2804. Administrative agency responsibilities.

(a) The State Board of Education shall promulgate rules for the Teacher Excellence and Support System consistent with this subchapter.

(b) The rules shall without limitation:

(1) Recognize that student learning is the foundation of teacher effectiveness and many factors impact student learning, not all of which are under the control of the teacher or the school, and that evidence of student learning includes trend data and is not limited to a single assessment;

(2) Provide that the goals of the Teacher Excellence and Support System are quality assurance and teacher growth;

(3) Reflect evidence-based or proven practices that improve student learning;

(4) Utilize clear, concise, evidentiary data for teacher professional growth and development to improve student achievement;

(5) Recognize that evidence of student growth is a significant part of the Teacher Excellence and Support System;

(6) Ensure that student growth is analyzed at every phase of the evaluation system to illustrate teacher effectiveness;

(7) Require annual evidence of student growth from artifacts and external assessment measures;

(8) Include clearly defined teacher evaluation domains, performance ratings, and evaluation rubric components for the evaluation framework;

(9) Include procedures for implementing each component of the Teacher Excellence and Support System; and

(10) Include the professional development requirements for all superintendents, administrators, evaluators, and teachers to obtain the training necessary to be able to understand and successfully implement a Teacher Excellence and Support System under this subchapter.

History. Acts 2011, No. 1209, § 8; and, in (b)(8), substituted “domains” for “categories,” “ratings” for “levels,” and “components” for “descriptors.”

Amendments. The 2013 amendment substituted “phase” for “level” in (b)(6);

6-17-2805. Summative evaluations.

(a) The evaluation framework for a summative evaluation for a classroom teacher shall include:

(1) The following teacher evaluation domains:

- (A) Planning and preparation;
- (B) Classroom environment;
- (C) Instruction; and
- (D) Professional responsibilities; and

(2) An evaluation rubric using nationally accepted components that consists of the following four (4) performance ratings:

- (A) Distinguished;
- (B) Proficient;
- (C) Basic; and
- (D) Unsatisfactory.

(b) A summative evaluation shall result in a written:

(1) Evaluation determination for the teacher’s performance rating on each teacher evaluation domain; and

(2) Summative evaluation determination of the teacher’s performance rating on all teacher evaluation domains as a whole.

(c) A summative evaluation shall use an appropriate evaluation framework, evaluation rubric, and external assessment measurements for a teacher who is not a classroom teacher, including without limitation:

- (1) A guidance counselor;
- (2) A library media specialist;
- (3) A special education teacher; or
- (4) Other teacher as identified by the State Board of Education.

(d)(1) In a tested content area, among the artifacts considered by the teacher and evaluator shall be external assessment measures chosen by the teacher and evaluator or by the evaluator if the teacher and evaluator are unable to agree.

(2)(A) Except as provided in subdivision (d)(2)(B) of this section, in a nontested content area, among the artifacts considered by the teacher and evaluator, or by the evaluator if the teacher and evaluator cannot agree, shall be external assessments.

(B)(i) If an external assessment measurement does not exist for the nontested content area, the Department of Education shall by

rule determine the type of artifact that may be used otherwise to satisfy the external assessment measurement requirement under subdivision (d)(2)(A) of this section.

(ii) In a tested content area, the teacher and evaluator shall choose the summary growth statistic associated with the state-mandated assessment for the tested content area as one (1) of the external assessment measures to satisfy the requirements under subdivision (d)(1) of this section.

(iii) In tested and nontested content areas, the department may authorize school districts to create external assessment measures to include without limitation formative assessments.

(iv) If an external assessment measure does not exist for the nontested content area and a school district does not create an external assessment measure for the nontested content area, the department may prescribe a state-mandated assessment to satisfy the requirements of subdivision (d)(2) of this section.

(e) A summative evaluation process shall include:

- (1) A pre-observation conference and post-observation conference;
- (2) A formal classroom observation and informal classroom observation;
- (3) Presentations of artifacts chosen by the teacher, the evaluator, or both;
- (4) An opportunity for the evaluator and teacher to discuss the review of external assessment measures used in the evaluation;
- (5) A written evaluation determination for each teacher evaluation domain and a written summative evaluation determination;
- (6) Feedback based on the evaluation rubric that the teacher can use to improve teaching skills and student learning; and
- (7) Feedback from the teacher concerning the evaluation process and evaluator.

History. Acts 2011, No. 1209, § 8; 2013, No. 709, § 5.

Amendments. The 2013 amendment substituted “domains” for “categories” in (a)(1); in (a)(2), substituted “components” for “descriptors” and “ratings” for “levels”; in (b)(1), substituted “rating” for “level” and “domain” for “category”; in (b)(2), sub-

stituted “rating” for “level” and “domains” for “categories”; substituted “among” for “one-half (½) of” in (d)(1) and (d)(2)(A); in (d)(2)(B)(i), substituted “measurement” for “measure” twice; and added (d)(2)(B)(ii) through (d)(2)(B)(iv); and substituted “domain” for “category” in (e)(5).

6-17-2806. Teacher support components.

(a)(1) Except as provided in subdivision (a)(3) of this section, a teacher being evaluated and the evaluator, working together, shall develop a professional learning plan for the teacher that:

- (A) Identifies professional learning outcomes to advance the teacher’s professional skills; and
- (B) Clearly links professional development activities and the teacher’s individual professional learning needs identified through the Teacher Excellence and Support System.

(2) The professional learning plan shall require that at least one-half ($\frac{1}{2}$) of the professional development hours required by law or rule for a teacher are directly related to one (1) or more of:

(A) The teacher's content area;

(B) Instructional strategies applicable to the teacher's content area; or

(C) The teacher's identified needs.

(3) If a teacher and evaluator cannot agree on a professional learning plan, the evaluator's decision shall be final.

(4)(A) For a teacher in intensive support status, the evaluator or an administrator designated by the evaluator shall have final approval of the teacher's professional learning plan.

(B) Until the teacher is removed from intensive support status, all professional development identified in the professional learning plan, except professional development that is required by law or by the public school where the teacher is employed, shall be directly related to the individual teacher's needs.

(b)(1) Interim teacher appraisals shall be used to support teachers on an ongoing basis throughout the school year and:

(A) Provide a teacher with immediate feedback about the teacher's teaching practices;

(B) Engage the teacher in a collaborative, supportive learning process; and

(C) Help the teacher use formative assessments to inform the teacher of student progress and adapt teaching practices based on the formative assessments.

(2) The interim teacher appraisal process may be guided in whole or in part by an evaluator or by one (1) or more of the following persons designated by the evaluator:

(A) A teacher designated by an administrator as a leader for the teaching content area of a teacher who is being evaluated;

(B) An instructional facilitator;

(C) A curriculum specialist; or

(D) An academic coach for the teacher's content area.

(c) The Teacher Excellence and Support System also shall include novice teacher mentoring and induction for each novice teacher employed at the public school that:

(1) Provides training, support, and follow-up to novice teachers to increase teacher retention;

(2) Establishes norms of professionalism; and

(3) Leads to improved student achievement by increasing effective teacher performance.

6-17-2807. Intensive support status.

(a)(1) An evaluator shall place a teacher in intensive support status if the teacher has a rating of "Unsatisfactory" in any one (1) entire teacher evaluation domain of the evaluation framework.

(2) An evaluator may place a teacher in intensive support status if the teacher has a rating of "Unsatisfactory" or "Basic" in a majority of components in a teacher evaluation domain.

(b) If a teacher is placed in intensive support status, the evaluator shall:

(A) Establish the time period for the intensive support status; and

(B)(i) Provide a written notice to the teacher that the teacher is placed in intensive support status.

(ii) The notice shall state that if the teacher's contract is renewed while the teacher is in intensive support status, the fulfillment of the contract term is subject to the teacher's accomplishment of the goals established and completion of the tasks assigned in the intensive support status.

(c)(1) The period of time specified by the evaluator for intensive support status shall afford the teacher an opportunity to accomplish the goals of and complete the tasks assigned in the intensive support status.

(2) Intensive support status shall not last for more than two (2) consecutive semesters unless the teacher has substantially progressed and the evaluator elects to extend the intensive support status for up to two (2) additional consecutive semesters.

(d) The evaluator shall work with the teacher to:

(1) Develop a clear set of goals and tasks that correlate to:

(A) The professional learning plan; and

(B) Evidence-based research concerning the evaluation domain that forms the basis for the intensive support status; and

(2) Ensure the teacher is offered the support that the evaluator deems necessary for the teacher to accomplish the goals developed and to complete the tasks assigned while the teacher is in intensive support status.

(e)(1) If the intensive support status is related to student performance, the teacher shall use formative assessments to gauge student progress throughout the period of intensive support status.

(2) The teacher shall be offered the support necessary to use formative assessments under this subsection during the intensive support status.

(f) At the end of the specified period of time for intensive support status, the evaluator shall:

(1) Evaluate whether the teacher has met the goals developed and completed the tasks assigned for the intensive support status; and

(2) Provide written notice to the teacher that the teacher either:

(A) Is removed from intensive support status; or

(B) Has failed to meet the goals and complete the tasks of the intensive support status.

(g)(1) If a teacher does not accomplish the goals and complete the tasks established for the intensive support status during the period of intensive support status, the evaluator shall notify the superintendent of the school district where the teacher is employed and provide the superintendent with documentation of the intensive support status.

(2)(A) Upon review and approval of the documentation, the superintendent shall recommend termination or nonrenewal of the teacher's contract.

(B) A recommendation for termination or nonrenewal of a teacher's contract under this section shall be made pursuant to the authority granted to a superintendent for recommending termination or nonrenewal under the Teacher Fair Dismissal Act of 1983, § 6-17-1501 et seq.

(3) When a superintendent makes a recommendation for termination or nonrenewal of a teacher's contract under subdivision (g)(2) of this section, the public school:

(A) Shall provide the notice required under the Teacher Fair Dismissal Act of 1983, § 6-17-1501 et seq., but is exempt from the provisions of § 6-17-1504(b); and

(B)(i) If the public school has substantially complied with the requirements of this section, is entitled to a rebuttable presumption that the public school has a substantive basis for the termination or nonrenewal of the teacher's contract under the applicable standard for termination or nonrenewal under the Teacher Fair Dismissal Act of 1983, § 6-17-1501 et seq.

(ii) The presumption may be rebutted by the teacher during an appeal under the Teacher Fair Dismissal Act of 1983, § 6-17-1501 et seq.

(4) This section does not preclude a public school superintendent from:

(A) Making a recommendation for the termination or nonrenewal of a teacher's contract for any lawful reason under the Teacher Fair Dismissal Act of 1983, § 6-17-1501 et seq.; or

(B) Including in a recommendation for termination or nonrenewal of a teacher's contract under this section any other lawful reason for termination or nonrenewal under the Teacher Fair Dismissal Act of 1983, § 6-17-1501 et seq.

History. Acts 2011, No. 1209, § 8; substituted "domain" for "category" in 2013, No. 709, §§ 6, 7. (a)(1), (a)(2) and (d)(1)(B); and substituted

Amendments. The 2013 amendment "components" for "descriptors" in (a)(2).

6-17-2808. Implementation — Applicability.

(a) Beginning in the 2014-2015 school year, a public school shall implement the Teacher Excellence and Support System for all teachers employed at the public school under the rules established by the State Board of Education.

(b)(1) Annually during a school year, a public school shall conduct a summative evaluation for every teacher employed in the public school who is a:

(A) Novice teacher;

(B) Probationary teacher; or

(C) Teacher who successfully completed intensive support status within the current or immediately preceding school year.

(2)(A) At least one (1) time every three (3) school years, a public school shall conduct a summative evaluation for a teacher who is not in a status under subdivision (b)(1) of this section.

(B) In a school year in which a summative evaluation is not required for a teacher under this subdivision (b)(2), the teacher:

(i) Shall focus on elements of the teacher's professional learning plan as approved by the evaluator that are designed to help the teacher improve his or her teaching practices; and

(ii) With the evaluator's approval may:

(a) Collaborate with a team of teachers on a shared plan that benefits the whole school, a content area, or a grade level; or

(b) Conduct self-directed research related to the teacher's professional learning plan under § 6-17-2806.

(C) During the two (2) years in which a summative evaluation is not required, a public school may conduct an evaluation that is lesser in scope than a summative evaluation but uses the portions of the evaluation framework and evaluation rubrics that are relevant to the teacher's professional growth plan.

(c)(1) A teacher shall:

(A) Participate in the Teacher Excellence and Support System under this subchapter, including without limitation in:

(i) Classroom observations; and

(ii) Pre-observation and post-observation conferences; and

(B)(i) Collaborate in good faith with the evaluator to develop the teacher's professional learning plan under § 6-17-2806(a).

(ii) If a teacher and evaluator cannot agree on the professional learning plan, the evaluator's decision shall be final.

(2) A failure to comply with this subsection may be reflected in the teacher's evaluation.

(d) Every teacher contract renewed or entered into after July 27, 2011 is subject to and shall reference this subchapter.

(e) A public school that in the 2012-2013 and 2013-2014 school years uses a nationally recognized system of teacher evaluation and support that is substantially similar to the Teacher Excellence and Support System may continue to use that system and is deemed to have met the requirements of this section.

History. Acts 2011, No. 1209, § 8; substituted "teacher's professional growth plan" for "evaluation" in (b)(2)(C).
2013, No. 709, § 8.

Amendments. The 2013 amendment

6-17-2809. Administrator evaluations.

(a) The Department of Education may develop and implement an administrator evaluation system for school districts to evaluate administrators that weighs an administrator evaluation on student performance and growth to the same extent as provided for teachers under the Teacher Excellence and Support System, § 6-17-2801 et seq.

(b) The State Board of Education may promulgate rules as necessary for the administration of this section.

History. Acts 2011, No. 1209, § 8; 2013, No. 709, § 9.

Amendments. The 2013 amendment substituted “may develop and implement an administrator evaluation system for

school districts” for “shall provide technical assistance to school districts for developing and implementing instruments” in (a); and added (b).

